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Labor, Health and Human Services, and Education (L-HHS-ED): FY2014 Appropriations

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Summary

This report provides an overview of actions taken by Congress to provide FY2014 appropriations for the accounts funded by the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED) appropriations bill. The L-HHS-ED bill provides funding for all accounts subject to the annual appropriations process at the Departments of Labor (DOL) and Education (ED). It provides annual appropriations for most agencies within the Department of Health and Human Services (HHS), with certain exceptions (e.g., the Food and Drug Administration is funded via the Agriculture bill). The L-HHS-ED bill also provides funding for more than a dozen related agencies, including the Social Security Administration (SSA).

Possible Governmentwide Continuing Resolution (CR): On September 20, 2013, the House passed a short-term FY2014 CR (H.J.Res. 59). As passed by the House, the CR would generally provide funding for discretionary L-HHS-ED programs at their FY2013 post-sequester levels, with limited exceptions. In addition, the CR would prohibit any federal funds from being used to carry out any provisions of the Patient Protection and Affordable Care Act (ACA, P.L. 111-148, as amended), and would rescind any unobligated balances remaining for such purposes. On September 19, 2013, the White House issued a Statement of Administration Policy, stating that the President would veto H.J.Res. 59 if presented with it. The Senate has not yet taken up the bill.

L-HHS-ED Congressional Action: On July 11, 2013, the Senate Committee on Appropriations reported a bill that would provide full-year FY2014 L-HHS-ED appropriations (S. 1284, S.Rept. 113-71). As reported by the full committee, S. 1284 would provide \$171 billion in discretionary funding for L-HHS-ED. This amount is about 4% more than the FY2013 pre-sequester funding level (\$164 billion) and about 1% more than the FY2014 President's request, based on estimates drawn from the committee report. In addition, the Senate committee bill would provide an estimated \$613 billion in mandatory funding, for a combined total of nearly \$783 billion for L-HHS-ED as a whole. This amount is roughly 4% more than the FY2013 pre-sequester funding level and 1% less than the FY2014 President's request, based on estimates provided in the committee report. The House has not yet taken action on an FY2014 L-HHS-ED bill.

President's Request: On April 10, 2013, the Obama Administration released its FY2014 Budget. The President requested \$170 billion in discretionary funding for accounts funded by the L-HHS-ED bill (+3% from FY2013 pre-sequester levels, based on estimates shown in the Senate committee report). In addition, the President's Budget requested roughly \$618 billion in annually appropriated mandatory funding (based on current law estimates in S.Rept. 113-71), for a total of roughly \$787 billion (+4% from FY2013 pre-sequester levels) for the L-HHS-ED bill as a whole.

DOL Snapshot: The FY2014 Senate committee bill would provide roughly \$12.46 billion in discretionary funding for DOL. This amount is about 0.3% less than the FY2013 pre-sequester funding level of \$12.49 billion and 0.3% less than the FY2014 request of \$12.50 billion.

HHS Snapshot: The FY2014 Senate committee bill would provide roughly \$74.66 billion in discretionary funding for HHS. This amount is 7% more than the FY2013 pre-sequester funding level of \$69.90 billion and 3% more than the FY2014 request of \$72.50 billion.

ED Snapshot: The FY2014 Senate committee bill would provide roughly \$69.22 billion in discretionary funding for ED. This amount is 2% more than the FY2013 pre-sequester funding level of \$67.98 billion and 3% less than the FY2014 request of \$71.21 billion.

Related Agencies Snapshot: The FY2014 Senate committee bill would provide roughly \$14.37 billion in discretionary funding for L-HHS-ED related agencies. This amount is 4% more than the FY2013 pre-sequester funding level of \$13.82 billion and 7% more than the FY2014 request of \$13.47 billion.

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Introduction

This report provides a status update on FY2014 appropriations actions for accounts traditionally funded in the appropriations bill for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED). This bill provides discretionary and mandatory appropriations to three federal departments: the Department of Labor (DOL), the Department of Health and Human Services (HHS), and the Department of Education (ED). In addition, the bill provides annual appropriations for more than a dozen related agencies, including the Social Security Administration (SSA).

Discretionary funds represent less than one-quarter of the total funds appropriated in the L-HHS-ED bill. Nevertheless, the L-HHS-ED bill is typically the largest single source of discretionary funds for domestic non-defense federal programs among the various appropriations bills (the Department of Defense bill is the largest source of discretionary funds among all federal programs). The bulk of this report is focused on discretionary appropriations because these funds receive the most attention during the appropriations process.

The L-HHS-ED bill typically is one of the more controversial of the regular appropriations bills because of the size of its funding total and the scope of its programs, as well as various related policy issues addressed in the bill, such as restrictions on the use of federal funds for abortion and for research on human embryos and stem cells.

See the **Key Policy Staff** at the end of this report for information on which analysts to contact at the Congressional Research Service with questions on specific agencies and programs funded in the L-HHS-ED bill.

Report Roadmap and Useful Terminology

This report is divided into several sections. The current section provides an explanation of the scope of the L-HHS-ED bill (and hence, the scope of this report), as well as an introduction to important terminology and concepts that carry throughout the report.

Next is a series of sections describing the status of funding for FY2014. These sections provide summaries of a possible continuing resolution, congressional actions on FY2014 L-HHS-ED appropriations, the FY2014 President's Budget request, and (for context) a review of the conclusion of the FY2013 appropriations process.

The following section provides a summary of budget enforcement activities. This includes a brief description of the Budget Control Act of 2011 (BCA), a recap of the FY2013 sequestration and possible sequestration in FY2014, and an overview of House and Senate work on a budget resolution and 302(b) allocations (i.e., budget enforcement caps).

The next section provides a brief summary and analysis of proposed mandatory and discretionary FY2014 appropriations under the Senate committee bill (S. 1284) and the President's Budget, by bill title, compared to FY2013 funding levels. All numbers in this section—and throughout the report as a whole (except as noted)—are generally drawn from (or estimated based on) amounts displayed in the committee report (S.Rept. 113-71) accompanying the Senate committee bill (S. 1284) or publicly available agency operating plans for FY2013. Note that, where possible, this

report displays two sets of numbers for FY2013: pre-sequester “enacted” levels (which reflect the 0.2% across-the-board rescission, per the conventions of the Senate Appropriations Committee) and post-sequester “operating” levels (which also reflect transfers and reprogramming of funds, as reported by the agencies).

Finally, the report concludes with overview sections for each of the major components of the bill: the Department of Labor, the Department of Health and Human Services, the Department of Education, and Related Agencies. These sections provide selected highlights of FY2014 appropriations actions based on the Senate committee bill (S. 1284) and the President’s request. (To date, the House has not released an L-HHS-ED appropriations bill for FY2014.)

Scope of the Report

This report is focused strictly on appropriations to agencies and accounts that are subject to the jurisdiction of the Labor, HHS, Education, and Related Agencies Subcommittees of the House and the Senate Appropriations Committees (i.e., accounts traditionally funded via the L-HHS-ED bill). Department “totals” provided in this report do not include funding for accounts or agencies that are traditionally funded by appropriations bills under the jurisdiction of other subcommittees.

The L-HHS-ED bill provides appropriations for the following federal departments and agencies:

- the Department of Labor;
- the majority of the Department of Health and Human Services, except for the Food and Drug Administration (provided in the Agriculture appropriations bill), the Indian Health Service (provided in the Interior-Environment appropriations bill), and the Agency for Toxic Substances and Disease Registry (also funded through the Interior-Environment appropriations bill);
- the Department of Education; and
- more than a dozen related agencies, including the Social Security Administration, the Corporation for National and Community Service, the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Labor Relations Board, and the Railroad Retirement Board.

Note also that funding totals displayed in this report do not reflect amounts provided outside of the regular appropriations process. Certain direct spending programs, such as Old-Age, Survivors, and Disability Insurance and parts of Medicare, receive funding directly from their authorizing statutes; such funds are not reflected in the totals provided in this report because they are not subject to the regular appropriations process (see related discussion in the “Important Budget Concepts” section).

Important Budget Concepts

Mandatory Versus Discretionary Appropriations¹

The L-HHS-ED bill includes both discretionary and mandatory funding. While all discretionary spending is subject to the annual appropriations process, only a portion of all mandatory spending is provided in appropriations measures.

Mandatory programs funded through the annual appropriations process are commonly referred to as *appropriated entitlements*. In general, appropriators have little control over the amounts provided for appropriated entitlements; rather, the authorizing statute establishes the program parameters (e.g., eligibility rules, benefit levels) that entitle certain recipients to payments. If Congress does not appropriate the money necessary to meet these commitments, entitled recipients (e.g., individuals, states, or other entities) may have legal recourse.²

Not all mandatory spending is provided through the annual appropriations process. Certain entitlements receive *direct spending* budget authority from their authorizing statute (e.g., Old-Age, Survivors, and Disability Insurance) and thus are not subject to the annual appropriations process. The funding amounts in this report do not include direct spending budget authority provided outside the regular appropriations process. Instead, the amounts in this report reflect only those funds, discretionary and mandatory, that are provided through appropriations bills.

Note that, as displayed in this report, mandatory amounts for the FY2013 President's request reflect current law (or current services) estimates as reported in S.Rept. 113-71; they do not include any of the Administration's proposed changes to a program's authorizing statute that might affect total spending. (In general, such proposals are excluded from this report, as they typically require authorizing legislation.)

Note also that the report focuses most closely on discretionary funding. This is because discretionary funding receives the bulk of attention during the appropriations process. (As noted earlier, although the L-HHS-ED bill includes more mandatory funding than discretionary funding, the appropriators generally have less flexibility in adjusting mandatory funding levels than discretionary funding levels.)

¹ For definitions of these and other budget terms, see U.S. Government Accountability Office (GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 1, 2005, <http://www.gao.gov/products/GAO-05-734SP>. (Terms of interest may include appropriated entitlement, direct spending, discretionary, entitlement authority, and mandatory.)

² Sometimes appropriations measures include amendments to legislation authorizing mandatory spending programs and thereby change the amount of mandatory appropriations needed. Because such amendments are legislative in nature, they may violate parliamentary rules separating authorizations and appropriations. For more information, see CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

Total Budget Authority Provided in the Bill Versus Total Budget Authority Available in the Fiscal Year

Budget authority is the amount of money Congress allows a federal agency to commit or spend. Appropriations bills may include budget authority that becomes available in the current fiscal year, in future fiscal years, or some combination. Amounts that become available in future fiscal years are typically referred to as *advance appropriations*.

Unless otherwise specified, appropriations levels displayed in this report refer to the total amount of *budget authority provided in an appropriations bill* (i.e., “total in the bill”), regardless of the year in which the funding becomes available.³ In some cases, the report breaks out “current year” appropriations (i.e., the amount of *budget authority available for obligation in a given fiscal year*, regardless of the year in which it was first appropriated).⁴

As the annual appropriations process unfolds, current year appropriations plus any additional adjustments for congressional scorekeeping are measured against 302(b) allocation ceilings (budget enforcement caps for appropriations subcommittees that traditionally emerge following the budget resolution process). Unless otherwise specified, appropriations levels displayed in this report do not reflect additional *scorekeeping adjustments*, which are made by the Congressional Budget Office (CBO) to reflect conventions and special instructions of Congress.⁵

Possible FY2014 Continuing Resolution

On September 20, 2013, the House passed a short-term FY2014 continuing resolution (H.J.Res. 59). As passed by the House, the continuing resolution (CR) would generally provide funding for discretionary L-HHS-ED programs at their FY2013 post-sequester levels, with limited exceptions. In addition, the CR would prohibit any federal funds from being used to carry out any provisions of the Patient Protection and Affordable Care Act (ACA, P.L. 111-148, as amended), and would rescind any unobligated balances remaining for such purposes. On September 19, 2013, the White House issued a Statement of Administration Policy, stating that the President would veto H.J.Res. 59 if presented with it. The Senate has not yet taken up the bill.

³ Such figures include advance appropriations provided in the bill for future fiscal years, but do not include advance appropriations provided in prior years’ appropriations bills that become available in the current year.

⁴ Such figures exclude advance appropriations for future years, but include advance appropriations from prior years that become available in the current year.

⁵ For more information on scorekeeping, see CRS Report 98-560, *Baselines and Scorekeeping in the Federal Budget Process*, by Bill Heniff Jr. See also a discussion of key scorekeeping guidelines included in the joint explanatory statement accompanying the conference report to the Balanced Budget Act of 1997 (H.Rept. 105-217, pp. 1007-1014).

Status of FY2014 L-HHS-ED Appropriations Efforts

Table 1 provides a timeline of FY2014 L-HHS-ED appropriations actions initiated by Congress. The remainder of this section provides additional detail on these and other steps toward full-year L-HHS-ED appropriations.

Table 1. Status of FY2014 L-HHS-ED Appropriations Legislation

Subcommittee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
	7/9/213			7/11/13					
	voice vote			S. 1284					
				S.Rept. 113-71					
				Vote: 16-14					

Source: CRS Appropriations Status Table.

FY2014 Action in the House

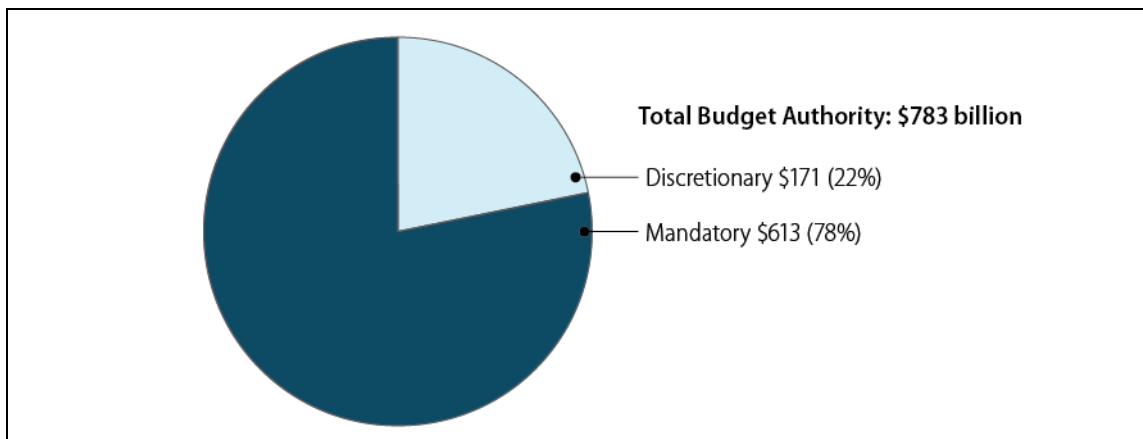
The House has not yet taken any action on an FY2014 L-HHS-ED appropriations bill.

FY2014 Action in the Senate

On July 11, 2013, the Senate Committee on Appropriations reported a bill that would provide full-year FY2014 L-HHS-ED appropriations (S. 1284, S.Rept. 113-71). Prior to this, on July 9, 2013, the L-HHS-ED Subcommittee of the Senate Committee on Appropriations had approved a draft bill for full committee consideration.

As reported by the full committee, S. 1284 would provide \$171 billion in discretionary funding for L-HHS-ED. This amount is about 4% more than the FY2013 pre-sequester funding level (\$164 billion) and about 1% more than the FY2014 President’s request, based on estimates drawn from the committee report. In addition, the Senate committee bill would provide an estimated \$613 billion in mandatory funding, for a combined total of nearly \$783 billion for L-HHS-ED as a whole (see **Figure 1**). This amount is roughly 4% more than the FY2013 pre-sequester funding level and 1% less than the FY2014 President’s request, based on estimates provided in the committee report.

Figure I. Proposed FY2014 L-HHS-ED Appropriations in S. 1284
(BA in billions of dollars)



Source: Amounts are estimated based on data provided in S.Rept. 113-71, the committee report accompanying the Senate committee's FY2014 L-HHS-ED appropriations bill (S. 1284).

Notes: BA = Budget Authority. Details may not add due to rounding. Amounts in this figure (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds proposed for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills.

FY2014 President's Budget Request

On April 10, 2013, the Obama Administration released its FY2014 Budget. The President's Budget requested \$170 billion in discretionary funding for accounts funded by the L-HHS-ED bill (+3% from FY2013 pre-sequester levels, based on estimates shown in the Senate committee report). In addition, the President's Budget requested roughly \$618 billion in annually appropriated mandatory funding (based on current law estimates in S.Rept. 113-71), for a total of roughly \$787 billion (+4% from FY2013 pre-sequester levels) for the L-HHS-ED bill as a whole.

Conclusion of the FY2013 Appropriations Process

On March 26, 2013, President Obama signed into law the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). This law funded seven of the 12 regular appropriations bills (including L-HHS-ED) via a full-year continuing resolution (CR) in Division F. With limited exceptions, the full-year CR generally funded discretionary L-HHS-ED programs at their FY2012 levels, minus an across-the-board rescission of 0.2% per Section 3004, as interpreted by the Office of Management and Budget (OMB).⁶ This is a lower level of funding than had been

⁶ Section 3004 of P.L. 113-6 addressed the possibility that the new budget authority provided by the full-year FY2013 appropriations law might exceed the discretionary spending limits in Section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act. In such an event, Section 3004 called for across-the-board rescissions of nonsecurity and security budget authority. The law set the rates for such rescission at 0%, but called for the percentages to be adjusted if OMB determined that rescissions were necessary to avoid a budget enforcement sequester in FY2013. Subsequent to the enactment of P.L. 113-6, OMB determined that such rescissions would be required at the following rates: 0.032% for security funding and 0.2% of nonsecurity funds. L-HHS-ED funds fall exclusively within the (continued...)

provided by an earlier six-month CR for FY2013 (P.L. 112-175), which generally funded discretionary L-HHS-ED programs at FY2012 rates, plus. 0.612%.

When taking into account the 0.2% across-the-board rescission required by Section 3004, as interpreted by OMB, the final FY2013 CR provided roughly \$164 billion in discretionary funding for accounts traditionally funded by the L-HHS-ED bill. In addition, the law provided an estimated \$592 billion in mandatory funding for L-HHS-ED accounts, for a total of roughly \$757 billion. These FY2013 estimates are based on data in the committee report (S.Rept. 113-71) accompanying the FY2014 Senate committee bill (S. 1284) and *do not* account for the FY2013 sequester ordered by President Obama on March 1, 2013.

Where possible, this report breaks out FY2013 “operating levels” separately from the pre-sequester amounts provided by the full-year FY2013 CR. In this report, operating levels are generally based on agency operating or expenditure plans for FY2013. For agencies funded in this bill, operating plans typically take into account the amounts provided in the FY2013 full-year CR (including, as appropriate, the 0.2% across-the-board rescission), reductions required by the FY2013 sequester, and potential transfers or reprogramming of funds across or within budget accounts pursuant to executive authorities. However, not all of the agencies funded in this bill have released public operating plans and full bill-level estimates of post-sequester FY2013 L-HHS-ED operating levels are not available at this time. For more information on the FY2013 sequester, see related discussion in the section titled “Budget Control Act and Sequestration.”

Note that in addition to amounts provided by P.L. 113-6, L-HHS-ED programs and activities received a total of \$827 million in supplemental funding in FY2013 (pre-sequester). These funds were appropriated by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2) in response to the effects of Hurricane Sandy. The bulk of the L-HHS-ED disaster funding was directed to HHS for the Public Health and Social Services Emergency Fund, the Social Services Block Grant, and the Head Start program. FY2013 totals shown in this report do not include these supplemental funds.

FY2014 Budget Enforcement Activities

Budget Control Act and Sequestration

Congress is considering FY2014 appropriations in the context of the Budget Control Act of 2011 (BCA, P.L. 112-25), as amended, which established discretionary spending limits for FY2012-FY2021.⁷ The discretionary spending limits were later modified by the American Taxpayer Relief Act of 2012 (ATRA, P.L. 112-240). The BCA also tasked a Joint Select Committee on Deficit Reduction with developing a deficit reduction plan for Congress and the President to enact by January 15, 2012. The failure of Congress and the President to enact deficit reduction legislation

(...continued)

nonsecurity category, meaning that discretionary L-HHS-ED funds provided by P.L. 113-6 were reduced by an across-the-board rescission of 0.2%. For further information, see OMB, *Consolidated and Further Continuing Appropriations Act, 2013, Budget Enforcement Act (7-Day-After Reports)*, April 4, 2013, p. 54, http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/7_day_after/bea_report_hr933_04-04-13.pdf.

⁷ For a more detailed explanation of the BCA, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

by that date triggered an automatic spending reduction process established by the BCA, as amended, consisting of a combination of sequestration and lower discretionary spending caps.

FY2013

For FY2013, the BCA called for sequestration of both mandatory and discretionary spending programs. President Obama issued the required FY2013 sequestration order on March 1, 2013.⁸ Concurrently, the Office of Management and Budget (OMB) issued a report containing the percentages by which budgetary resources must be reduced in order to achieve the necessary spending reductions in FY2013.⁹ OMB estimated that the joint committee sequester would require a 5.0% reduction in non-exempt nondefense discretionary funding, a 2.0% reduction in certain Medicare funding (subject to a special rule), and a 5.1% reduction for most other non-exempt nondefense mandatory funding.¹⁰ (OMB also reported on the required percent reductions of non-exempt defense spending—7.8% for non-exempt defense discretionary and 7.9% for non-exempt defense mandatory—but these do not apply to L-HHS-ED.) The OMB report applied these percentages to funding levels in place at that time (a six-month CR, P.L. 112-175) to determine dollar amount reductions for each budget account. These reductions were later applied to full-year FY2013 funding levels following the enactment of P.L. 113-6. Notably, the law calls for sequestration to be applied at the *program, project, and activity (PPA)* level within each account, but comprehensive PPA data have not been made available.

FY2014-FY2021

For FY2014-FY2021, the BCA (as amended) calls for reductions of \$109 billion annually as a result of the failure of the Joint Select Committee process. These reductions are to be achieved through a combination of (1) lower spending caps for *discretionary* programs and (2) continued sequestration for *mandatory* programs.

On April 10, 2013, OMB issued a report to Congress on the automatic spending reductions for FY2014 under the terms of the BCA.¹¹ The report indicates that the \$109 billion in spending reductions for FY2014 would be achieved through lowering the discretionary spending limits by about \$91 billion and sequestering \$18 billion in nonexempt mandatory spending. OMB estimated that the FY2014 sequestration percentages would equal 2% for nonexempt Medicare

⁸ White House, President Obama, Sequestration Order for Fiscal Year 2013 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, As Amended, March 1, 2013, available at <http://www.whitehouse.gov/sites/default/files/2013sequestration-order-rel.pdf>.

⁹ Executive Office of the President, Office of Management and Budget, OMB Report to the Congress on the Joint Committee Sequestration for Fiscal Year 2013, March 1, 2013, available at http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy13ombjcssequestrationreport.pdf.

¹⁰ Because the sequester was ordered before the enactment of full-year appropriations for FY2013, OMB calculated the amounts to be sequestered based on annualized funding levels under the six-month FY2013 CR (P.L. 112-175) and applied these percentages to funding levels in place at that time (the six-month CR) to determine dollar amount reductions for each budget account. The law called for the sequester to be applied at the program, project, and activity (PPA) level within each account, but comprehensive PPA data were not made available by OMB.

¹¹ OMB released a corrected version of its April 10 report on May 20, 2013. See OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2014 and OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2014, http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy14_preview_and_joint_committee_reductions_reports_05202013.pdf.

spending and 7.3% for non-exempt nondefense mandatory spending.¹² (The report also estimated reductions of 9.8% in non-exempt defense mandatory spending, but this is not applicable to funds provided in the L-HHS-ED.)

Notably, under the BCA, sequestration for FY2014 and later years is intended to affect *mandatory spending only*, unless the lowered discretionary spending limits are breached. If these limits are breached via the FY2014 appropriations process, it would trigger a separate budget enforcement sequester in FY2014.

Cap Adjustments, Exemptions, and Special Rules

The BCA (as amended by ATRA) established discretionary spending caps for FY2012-FY2021, but included several provisions allowing for adjustments to these caps. For the L-HHS-ED bill, the most notable of these is for increases (up to a point) in new budget authority for specified program integrity initiatives at HHS and the Social Security Administration.

Although “sequestration” largely consists of automatic, across-the-board spending reductions, the law exempts a limited number of programs from sequestration and subjects others to special rules. The L-HHS-ED bill contains several programs that are exempt from sequestration, including Medicaid, payments to health care trust funds, Supplemental Security Income, Special Benefits for Disabled Coal Miners, retirement pay and medical benefits for commissioned Public Health Service officers, foster care and adoption assistance, and certain family support payments. The L-HHS-ED bill also contains several programs that are subject to special rules under sequestration, such as unemployment compensation, certain student loans, health centers, and portions of Medicare.¹³

FY2014 Budget Resolution and 302(b) Allocations

The House and Senate have not reached agreement on a final budget resolution for FY2014, although each has agreed to its own budget resolution. S.Con.Res. 8, a budget resolution for FY2014, was reported from the Senate Budget Committee on March 15, 2013, and was agreed to by the Senate on March 23. H.Con.Res. 25, a budget resolution for FY2014, was reported from the House Budget Committee on March 15, 2013, and was agreed to by the House on March 21. On June 4, 2013, the House agreed to H.Res. 243, a special rule providing for the consideration of H.R. 2216, the bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies. The special rule included a provision deeming the House-passed budget resolution as enforceable in the House, pending agreement on a budget resolution for FY2014.

On the basis of the overall spending caps established by H.Con.Res. 25 and S.Con.Res. 8, the House and Senate have taken steps to adopt caps for each of the appropriations subcommittees. These subcommittee spending caps are commonly called 302(b) allocations. The House most

¹² See the appendix of the OMB report for an itemized list of budget accounts that include mandatory spending that would be subject to sequestration in FY2014, the dollar amounts that would be subject to sequestration (based on OMB’s current law baseline), the percentage by which they would be reduced, and the dollar amount of the reduction.

¹³ For more information, see CRS Report R42050, *Budget “Sequestration” and Selected Program Exemptions and Special Rules*, coordinated by Karen Spar.

recently reported revised 302(b) allocations for FY2014 on July 8, 2013.¹⁴ Meanwhile, the Senate Appropriations Committee adopted subcommittee spending guidance for FY2014 at a markup on June 20, 2013.¹⁵ Notably, the FY2014 spending caps established in the House are lower than those established by the Senate. The allocation gap could pose a challenge in reconciling FY2014 appropriations bills drafted by the House and Senate subcommittees.

See **Table 2** for an overview of the L-HHS-ED 302(b) allocations for FY2014, as compared to the Senate committee bill for FY2014. Note that the budget enforcement caps are applied to budget authority *available in the current fiscal year*, adjusted for scorekeeping by the Congressional Budget Office. As such, totals shown in this table may not be comparable to other totals shown in this report.

Table 2. FY2014 Discretionary 302(b) Allocations and Status of Comparable Appropriations for L-HHS-ED

(BA in billions of dollars)

FY2014 House Allocation	FY2014 Senate Allocation	FY2014 Senate Committee (S. 1284)
121.8	164.3	165.6 ^a

Source: The FY2014 House allocation is from H.Rept. 113-143, reported on July 8, 2013. The FY2014 Senate allocation is based on subcommittee guidance adopted by the Senate Committee on Appropriations during a committee markup on June 20, 2013. The FY2014 Senate committee bill (S. 1284) amount is from S.Rept. 113-71, reported on July 11, 2013.

Notes: BA = budget authority. BA subject to discretionary 302(b) allocations represents current year budget authority (not total budget authority in the bill), adjusted for scorekeeping.

- a. The Budget Control Act allows for an increase in the caps for additional BA provided for program integrity initiatives aimed at reducing improper benefit payments in Disability Insurance and Supplemental Security Income programs, Medicare, Medicaid, and the Children’s Health Insurance Program. S. 1284 would provide \$164.3 billion in current year discretionary funds, plus \$1.253 billion in cap adjustments for program integrity initiatives at the Social Security Administration.

¹⁴ It is common for 302(b) allocations to be revised throughout the year to reflect action on appropriations bills and changes in congressional priorities. For FY2014, for instance, the House has issued two 302(b) reports: H.Rept. 113-96 on June 4 and H.Rept. 113-143 on July 8.

¹⁵ The FY2014 subcommittee guidance adopted by the Senate Appropriations Committee can be found at <http://www.appropriations.senate.gov/news.cfm?method=news.view&id=3c0a35fa-18fd-4c7d-abc3-44f5028073e9>.

Overview of FY2014 Appropriations Proposals

Dollars and Percentages in this Report

Funding totals displayed in this report are typically rounded to the nearest million or billion (as labeled). Dollar changes and percent changes discussed in the text of this report are based on unrounded amounts.

As previously noted, most dollar amounts in this report are estimated based on the committee report produced by the Senate Appropriations Committee (S.Rept. 113-71) for their FY2014 L-HHS-ED bill (S. 1284), with the notable exception of estimated “operating levels” for FY2013. The latter estimates are based on agency operating plans for FY2013, where available. FY2013 operating plans reflect reductions to FY2013 enacted levels as a result of sequestration, as well as transfers and reprogramming of funding. However, these plans are not available for all agencies funded in this bill and numbers in these plans may be subject to change.

Table 3 displays the total amount of discretionary and mandatory L-HHS-ED funding proposed by the FY2014 Senate committee bill (S. 1284) and requested by the FY2014 President’s Budget (referred to as the FY2014 proposals in this report), as compared to FY2013 (pre- and post-sequester, where possible). The amounts shown in this table reflect total budget authority provided in the bill (i.e., all funds appropriated in the current bill, regardless of the fiscal year in which the funds become available), not total budget authority available for the current fiscal year.

Table 3. L-HHS-ED Appropriations Overview by Bill Title, FY2013-FY2014

(Total BA provided in the bill, in billions of dollars)

Bill Title	FY2013 Enacted (pre-sequester, post- 0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Labor	14.17	13.51	14.65	14.60
Discretionary	12.49	11.87	12.50	12.46
Mandatory	1.68	1.63	2.15	2.15
HHS	602.96	599.36	628.53	625.81
Discretionary	69.90	66.41	72.50	74.66
Mandatory	533.06	532.95	556.04	551.15
Education	71.21	68.77	74.51	72.53
Discretionary	67.98	65.70	71.21	69.22
Mandatory	3.23	3.07	3.30	3.30
Related Agencies	68.30	not available	70.11	70.42
Discretionary	13.82	not available	13.47	14.37
Mandatory	54.48	not available	56.64	56.05
Bill Total (BA Provided in Bill)	756.64	not available	787.80	783.37
Discretionary	164.18	not available	169.68	170.72
Mandatory	592.46	not available	618.12	612.65

Bill Title	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Memoranda:				
Advances for Future Years (provided in the current bill) ^a	153.79	not available	152.88	151.46
Advances from Prior Years (for use in the current year) ^a	136.87	not available	153.78	153.78
Additional Scorekeeping Adjustments ^b	-7.12	not available	-3.86	-5.13

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are estimated based on agency operating plans, where available. Operating estimates reflect reductions required as a result of the FY2013 sequester, as well as transfers and reprogramming of funds, as reported in agency operating plans.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

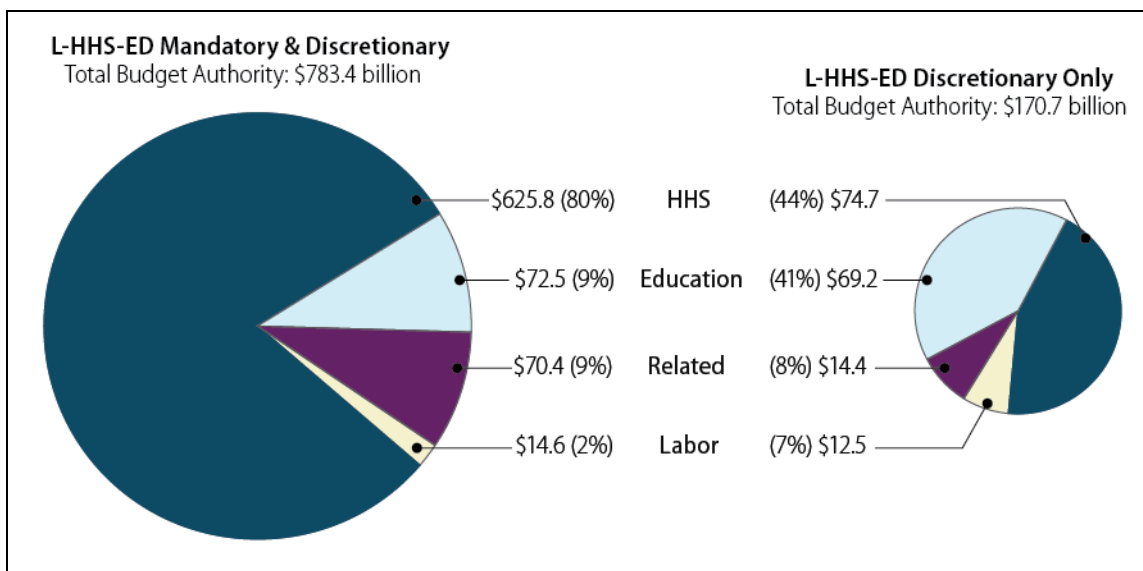
- a. Totals in this table are based on budget authority provided in the bill (i.e., they exclude advance appropriations from prior bills and include advance appropriations from this bill made available in future years). The calculation for total budget authority available in the current year is as follows: Total BA Provided in the Bill minus Advances for Future Years plus Advances from Prior Years.)
- b. Totals in this table have not been adjusted for scorekeeping. (To adjust for scorekeeping, add this line to the total budget authority.)

When taking into account both mandatory and discretionary funding, HHS received roughly 80% of the total FY2013 L-HHS-ED appropriations; the same would also be true under both of the FY2014 proposals shown in **Table 2** (see **Figure 2** for the composition of the FY2014 Senate committee bill). This is largely due to the sizable amount of mandatory funding included in the HHS appropriation, the majority of which is for Medicaid grants to states and payments to health care trust funds. After HHS, the Department of Education and Related Agencies represent the next-largest shares of total L-HHS-ED funding, accounting for roughly 9% to 10% each in FY2013 and the FY2014 proposals. The majority of appropriations for ED are discretionary, while the bulk of funding for the Related Agencies goes toward mandatory payments and administrative costs of the Supplemental Security Income program at the Social Security Administration. Finally, the Department of Labor accounts for the smallest share of total L-HHS-ED funds: roughly 2% in FY2013 and the FY2014 proposals.

When looking only at discretionary appropriations, however, the overall composition of L-HHS-ED funding is noticeably different (see **Figure 2**). Rather than being dominated by HHS alone, the majority (84%) of discretionary appropriations were split relatively evenly between HHS (43%) and ED (41%) in FY2013 and this would largely be true under both FY2014 proposals. Meanwhile, the Department of Labor and Related Agencies would combine to account for a

roughly even split of the remaining 16% of discretionary L-HHS-ED funds in FY2013 and in the FY2014 proposals.

Figure 2. FY2014 L-HHS-ED Appropriations, by Title, as Proposed in S. 1284
(BA in billions of dollars)



Source: Amounts are estimated based on data provided in S.Rept. 113-71, the committee report accompanying the Senate committee’s FY2014 L-HHS-ED appropriations bill (S. 1284).

Notes: BA = Budget Authority. Details may not add due to rounding. Amounts in this figure: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds proposed for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills.

Department of Labor (DOL)

Note that all figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds provided outside of the annual appropriations process (e.g., direct appropriations for Unemployment Insurance benefits payments). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts.

About DOL

DOL is a federal department comprised of multiple entities that provide services related to employment and training, worker protection, income security, and contract enforcement. Annual L-HHS-ED appropriations laws direct funding to all DOL entities (see box for all entities supported by the L-HHS-ED bill).¹⁷ The DOL entities fall primarily into two main functional areas—workforce development and worker protection. First, there are several DOL entities that administer workforce employment and training programs, such as the Workforce Investment Act (WIA) state formula grant programs, Job Corps, and the Employment Service, that provide direct funding for employment activities or administration of income security programs (e.g., for the Unemployment Insurance benefits program). Also included in this area is the Veterans’ Employment and Training Service (VETS), which provides employment services specifically for the veteran population. Second, there are several agencies that provide various worker protection services. For example, the Occupational Safety and Health Administration (OSHA), the Mine Safety and Health Administration (MSHA), and the Wage and Hour Division provide different types of regulation and oversight of working conditions. DOL entities focused on worker protection provide services to ensure worker safety, adherence to wage and overtime laws, and contract compliance, among other duties. In addition to these two main functional areas, the DOL’s Bureau of Labor Statistics (BLS) collects data and provides analysis on the labor market and related labor issues.

DOL Entities Funded Via the L-HHS-ED Appropriations Process

Employment and Training Administration (ETA)
 Employee Benefits Security Administration (EBSA)
 Wage and Hour Division (WHD)
 Office of Federal Contract Compliance Programs (OFCCP)
 Office of Labor-Management Standards (OLMS)
 Office of Workers’ Compensation Programs (OWCP)
 Occupational Safety and Health Administration (OSHA)
 Mine Safety and Health Administration (MSHA)
 Bureau of Labor Statistics (BLS)
 Office of Disability Employment Policy (ODEP)
 Departmental Management (DM)¹⁶

FY2013 DOL Appropriations Overview

The FY2014 Senate committee bill (S. 1284, S.Rept. 113-71) would provide \$14.60 billion in combined mandatory and discretionary funding for DOL. This amount is \$430 million (+3.0%) more than the pre-sequester FY2013 funding level of \$14.17 billion, \$1.1 billion more than the post-sequester FY2013 operating level of \$13.51 billion, and \$42 million (-0.3%) less than the FY2014 President’s Budget request of \$14.65 billion. (See **Table 4**.) Of the total recommended for DOL in the FY2014 Senate committee bill, roughly \$12.46 billion (85%) is discretionary. This amount is \$35 million (-0.3%) less than the pre-sequester FY2013 discretionary funding level (\$12.49 billion), \$586 million (+4.9%) more than the post-sequester FY2013 discretionary funding level (\$11.87 billion), and \$42 million (-0.3%) less than the discretionary total requested in the FY2014 President’s Budget (\$12.50 billion).

¹⁶ Departmental Management includes the Veterans Employment and Training Service (VETS), IT Modernization, and the Office of the Inspector General.

¹⁷ The Pension Benefit Guaranty Corporation (PBGC) is funded primarily through insurance premiums and related fees from companies covered by the PBGC.

Table 4. DOL Appropriations Overview
(billions of dollars)

Funding	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Discretionary	12.49	11.87	12.50	12.46
Mandatory	1.68	1.63	2.15	2.15
Total BA Provided in the Bill	14.17	13.51	14.65	14.60

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are estimated based on DOL's FY2013 operating plan, which is available at <http://www.dol.gov/dol/budget/2014/PDF/2013OperatingPlanTable.pdf>. Operating estimates reflect reductions required as a result of the FY2013 sequester, as well as any transfers and reprogramming of funds, as reported by DOL.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

Selected DOL Highlights from FY2014 Appropriations Action¹⁸

The following are some DOL highlights from the FY2014 Senate committee bill (S. 1284) compared to comparable FY2013 funding levels and proposed funding levels from the FY2014 President's Budget.

Employment and Training Administration (ETA)

Overall, the Senate committee bill would provide \$4.9 billion for programs authorized under Title I of the Workforce Investment Act (WIA), which is \$296 million more than the post-sequester FY2013 funding level and \$109 million less than the Administration's FY2014 request. The Senate committee bill would change a provision started in the FY2011 appropriations law, which limits the Governors' reserve of WIA state formula grants to 5% of the total received from the three state formula grants—Adult, Youth, and Dislocated Workers. The statutory limit is 15%, but the FY2011 appropriations law reduced this to 5% and the FY2012 and FY2013 appropriations laws maintained the 5% limitation. The Senate committee bill would increase this reserve to 7.5% of the WIA state formula grant funds.

¹⁸ DOL budget materials can be found at <http://www.dol.gov/dol/aboutdol/#budget>. OMB budget materials can be found at <http://www.whitehouse.gov/omb/budget>. For detailed information on the DOL funding levels recommended by the FY2014 Senate committee bill, as compared to FY2012 comparable and the FY2013 request, see the committee report (S.Rept. 113-71) accompanying the bill (S. 1284).

The Senate committee bill would continue to provide \$50 million for the Workforce Innovation Fund (WIF), which is \$100 million less than the FY2014 President's request, and would add a new provision related to the WIF. The WIF, which is jointly administered by DOL and ED, was created at the President's request in FY2011 to provide competitive grants for innovative approaches to workforce development. The Senate committee bill would allow up to \$10 million of WIF funds to be used for Pay for Success pilot programs, which are a form of performance based grants.¹⁹

The Senate committee bill would also change the manner in which program evaluation is funded. Rather than providing a specific appropriation of funds for the purpose of evaluation, the bill would allow the Secretary of Labor to reserve up to 0.5% of each appropriation made available in certain accounts for the purpose of program evaluation.²⁰

The Senate committee bill would provide the Community Service Employment for Older Americans (CSEOA) Program with \$447 million, an increase of \$67 million above the President's request. In addition, the Senate committee bill would maintain DOL administration of CSEOA, rejecting a proposal from the FY2014 President's Budget to transfer administration of the program to HHS.

Veterans Employment and Training (VETS)

The Senate committee bill would specify funding levels for particular activities within the Veterans' Employment and Training Service (VETS), as opposed to past practice of not specifying amounts for individual activities.²¹ In addition, the Senate committee bill would provide authority to the Secretary to reallocate funds within VETS, not to exceed 3% of the appropriation from which the reallocation is made.

¹⁹ The FY2014 Senate committee bill contains provisions for similar "Pay for Success" projects at the Department of Education and the Corporation for National and Community Service.

²⁰ These accounts include Training and Employment Services, Office of Job Corps, Community Service Employment for Older Americans, State Unemployment Insurance and Employment Service Operations, Employee Benefits Security Administration, Office of Workers' Compensation Programs, Wage and Hour Division, Office of Federal Contract Compliance Programs, Office of Labor Management Standards, Occupational Safety and Health Administration, Mine Safety and Health Administration, Departmental Management (for the Bureau of International Affairs and the Women's Bureau only), and Veterans Employment and Training.

²¹ S.Rept. 113-71, p. 38.

Table 5. Detailed Department of Labor Appropriations

(dollars in millions)

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Employment and Training Administration (ETA)— mandatory^a	797	756	1,256	1,256
Employment and Training Administration (ETA)— discretionary	9,524	9,053	9,440	9,423
<u>Discretionary ETA Programs:</u>				
Training and Employment Services:	3,212	3,062	3,387	3,264
Adult Activities Grants to States	769	731	792	792
Youth Activities Grants to States	823	781	847	847
Dislocated Worker Activities (DWA) Grants to States	1,006	956	1,045	1,045
<u>Federally Administered Programs:</u>				
DWA National Reserve	249	248	221	221
Native Americans	47	45	48	47
Migrant and Seasonal Farmworkers	84	80	84	84
Women in Apprenticeship	1	1	0	1
YouthBuild	80	76	80	85
Workforce Innovation Fund	50	47	150	50
<u>National Activities:</u>				
Pilots, Demonstrations, and Research	7	6	25	7
Reintegration of Ex-Offenders	80	76	90	80
Evaluation	10	9	0	0
Workforce Data Quality Initiative	6	6	6	6
Job Corps	1,700	1,614	1,692	1,707
Community Service Employment for Older Americans ^b	447	425	380	447
<u>State Unemployment Insurance and Employment Service Operations (SUI/ESO):</u>				
Unemployment Compensation	3,170	3,007	2,918	2,968
Employment Service	720	684	752	752
Foreign Labor Certification	65	62	66	65
One-Stop Career Centers	63	60	90	63
State Paid Leave Fund	0	0	5	5
ETA Program Administration	147	139	150	152

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Employee Benefits Security Administration	183	174	179	176
<i>Pension Benefit Guaranty Corporation, program level (non-add)</i>	<i>(477)</i>	<i>(471)</i>	<i>(505)</i>	<i>(505)</i>
Wage and Hour Division	227	215	243	243
Office of Labor-Management Standards (OLMS)	41	39	47	41
Office of Federal Contract Compliance Programs	105	100	108	106
Office of Workers' Compensation Programs—mandatory^c	885	878	901	901
Office of Workers' Compensation Programs—discretionary	118	112	121	118
Occupational Safety and Health Administration (OSHA)	564	535	571	567
Mine Safety and Health Administration (MSHA)	373	354	381	381
Bureau of Labor Statistics	608	577	614	610
Office of Disability Employment Policy	39	37	42	42
Departmental Management	713	677	755	750
Salaries and Expenses	346	328	348	347
<i>International Labor Affairs (non-add)</i>	<i>(92)</i>	<i>(87)</i>	<i>(95)</i>	<i>(95)</i>
Veterans Employment and Training	264	251	301	301
IT Modernization	20	19	21	20
Office of the Inspector General	84	79	86	84
Total, DOL Discretionary & Mandatory BA in the Bill	14,175	13,505	14,646	14,604
Subtotal, DOL Mandatory BA in the Bill	1,681	1,633	2,146	2,146
Subtotal, DOL Discretionary BA in the Bill	12,493	11,872	12,500	12,458
Memoranda				
Total, BA Available in the Fiscal Year (current year from any bill)	14,176	13,505	14,657	14,615
Total, Advances for Future Years (provided in the current bill)	1,812	1,812	1,796	1,796
Total, Advances from Prior Years (for use in the current year)	1,813	1,812	1,807	1,807

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are estimated based on DOL's FY2013 operating plan, which is available at <http://www.dol.gov/dol/budget/2014/PDF/2013OperatingPlanTable.pdf>. Operating estimates reflect reductions required as a result of the FY2013 sequester, as well as any transfers and reprogramming of funds, as reported by DOL.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

- a. Mandatory amounts for ETA include funding for Federal Unemployment Benefits and Allowances and for Advances to Unemployment Insurance and Other Trust Funds.
- b. This program is currently administered by the Department of Labor. The FY2014 President's Budget proposed transferring the program to HHS, but the Senate committee bill did not take up this proposal.
- c. Mandatory amounts for federal programs for workers' compensation include mandatory funding for benefits under the Federal Employees' Compensation Act program, the Longshore and Harbor Workers' Compensation Act program, Special Benefits for Disabled Coal Miners, administrative expenses for the Energy Employees Occupational Illness Compensation Fund, and the Black Lung Disability Trust Fund.

Department of Health and Human Services (HHS)

Note that all figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds for HHS agencies provided through other appropriations bills (e.g., funding for the Food and Drug Administration) or outside of the annual appropriations process (e.g., direct appropriations for Medicare or pre-appropriated mandatory funds provided by authorizing laws, such as the Patient Protection and Affordable Care Act [ACA, P.L. 111-148]).²² All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts.

About HHS

HHS is a sprawling federal department comprised of multiple agencies working to enhance the health and well-being of Americans. Annual L-HHS-ED appropriations laws direct funding to most (but not all) HHS agencies (see box for all agencies supported by the L-HHS-ED bill).²³ For instance, the L-HHS-ED bill directs funding to five Public Health Service (PHS) agencies: HRSA, CDC, NIH, SAMHSA, and AHRQ.²⁴ These public health agencies support diverse missions, ranging from the provision of health care services and supports (e.g., HRSA, SAMHSA), to the advancement of health care quality and medical research (e.g., AHRQ, NIH),

²² The ACA was subsequently amended by the Health Care and Education Reconciliation Act (P.L. 111-152). These two laws are collectively referred to as the ACA in this report. (Previous CRS reports on the Patient Protection and Affordable Care Act used the acronym PPACA to refer to the statute, but newer reports will use "ACA," in conformance with the more widely used acronym for the law.) For information on funding directly appropriated by ACA, see the tables in CRS Report R41301, *Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (ACA)*, by Charles S. Redhead.

²³ Three HHS public health agencies receive annual funding from appropriations bills other than the L-HHS-ED bill: the Food and Drug Administration (Agriculture appropriations bill), the Indian Health Service (Interior-Environment appropriations bill), and the Agency for Toxic Substances and Disease Registry (Interior-Environment appropriations bill).

²⁴ For more information on HHS PHS agencies, see CRS Report R41737, *Public Health Service (PHS) Agencies: Overview and Funding, FY2010-FY2012*, coordinated by Charles S. Redhead and Pamela W. Smith.

to the prevention and control of infectious and chronic disease (e.g., CDC). In addition, the L-HHS-ED bill provides funding for annually appropriated components of CMS,²⁵ which is the HHS agency responsible for the administration of Medicare, Medicaid, and the State Children’s Health Insurance Program (CHIP), and consumer protections and private health insurance provisions of the ACA. The L-HHS-ED bill also provides funding for two HHS agencies focused primarily on the provision of social services: ACF and ACL. The mission of ACF is to promote the economic and social well-being of vulnerable children, youth, families, and communities. Meanwhile, ACL was formed with a goal of increasing access to community supports for older Americans and people with disabilities. Notably, ACL is a new agency within HHS—it was established in April 2012 and brings together the Administration on Aging, the Office of Disability, and the Administration on Developmental Disabilities (renamed the Administration on Intellectual and Developmental Disabilities) into one agency.²⁶ Finally, the L-HHS-ED bill also provides funding for the HHS Office of the Secretary, which encompasses a broad array of management, research, oversight, and emergency preparedness functions in support of the entire department.

FY2014 HHS Appropriations Overview

The FY2014 Senate committee bill (S. 1284, S.Rept. 113-71) would provide \$626 billion in combined mandatory and discretionary funding for HHS. This amount is \$23 billion (+3.8%) more than the FY2013 pre-sequester funding level of \$603 billion and \$3 billion (-0.4%) less than the FY2014 President’s

Budget request of \$626 billion. (See **Table 6.**) Of the total recommended for HHS in the FY2014 Senate committee bill, roughly \$75 billion (12%) would be discretionary. This amount is \$5 billion (+6.8%) more than the FY2013 pre-sequester discretionary funding level (\$70 billion) and \$2 billion (+3.0%) more than the discretionary total requested in the FY2014 President’s Budget (\$72 billion).

HHS Agencies Funded Via the L-HHS-ED Appropriations Process

Health Resources and Services Administration (HRSA)
 Centers for Disease Control and Prevention (CDC)
 National Institutes of Health (NIH)
 Substance Abuse and Mental Health Services Administration (SAMHSA)
 Agency for Healthcare Research and Quality (AHRQ)
 Centers for Medicare & Medicaid Services (CMS)
 Administration for Children and Families (ACF)
 Administration for Community Living (ACL)
 Office of the Secretary (OS)

²⁵ Much of the funding for CMS activities is directly appropriated in authorizing legislation and thus is not subject to the annual appropriations process.

²⁶ See the Secretary’s press release from April 16, 2012: <http://www.hhs.gov/news/press/2012pres/04/20120416a.html>. For more information on the ACL, see <http://www.hhs.gov/acl/>.

Table 6. HHS Appropriations Overview

(dollars in billions)

Funding	FY2013 Enacted (pre-sequester, post- 0.2% ATB)	FY2013 Operating (post-sequester, post- 0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Discretionary	69.90	66.41	72.50	74.66
Mandatory	533.06	532.95	556.04	551.15
Total BA Provided in the Bill	602.96	599.36	628.53	625.81

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are largely estimated based on FY2013 operating plans for HHS agencies, which are available at <http://www.hhs.gov/budget/fy2013/index.html> (scroll to bottom for FY2013 Agency Operating Plans). Operating estimates reflect reductions required as a result of the FY2013 sequester, as well as any transfers and reprogramming of funds reported by HHS in these operating plans.

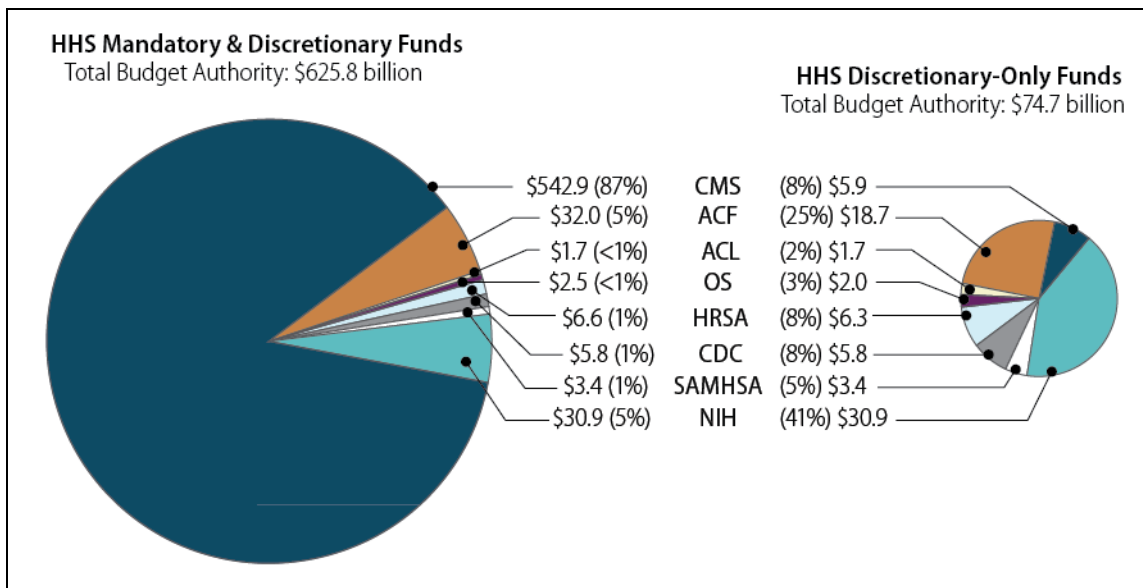
Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

Annual HHS appropriations are dominated by mandatory funding, the majority of which goes to CMS to provide Medicaid benefits and payments to health care trust funds. When taking into account both mandatory and discretionary funding, CMS accounts for roughly 87% of all HHS appropriations in FY2013 and in both FY2014 proposals (i.e., the President's Budget and the Senate committee bill). NIH and ACF account for the next largest shares of total HHS appropriations, receiving 5% apiece of total appropriations in FY2013 and under the FY2014 proposals.

By contrast, when looking exclusively at discretionary appropriations, CMS constitutes 6% to 8% of total discretionary HHS appropriations in FY2013 and in the FY2014 proposals. Instead, the bulk of discretionary appropriations go toward the PHS agencies, which combine to account for 62% to 66% of discretionary HHS appropriations in FY2013 and under the FY2014 proposals. NIH typically receives the largest share of all discretionary funding among HHS agencies (over 40% in FY2013 and the FY2014 proposals), with ACF accounting for the second-largest share of all discretionary appropriations (24% in FY2013 and 25% in the FY2014 proposals).

See **Figure 3** for an agency-level breakdown of HHS appropriations (combined mandatory and discretionary) in the FY2014 Senate committee bill.

Figure 3. FY2014 HHS Appropriations, by Agency, as Proposed in S. 1284
(BA in billions of dollars)



Source: Amounts are estimated based on data provided in S.Rept. 113-71, the committee report accompanying the Senate committee’s FY2014 L-HHS-ED appropriations bill (S. 1284).

Notes: BA = Budget Authority. Details may not add due to rounding. Amounts in this figure: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds proposed for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills.

Selected HHS Highlights from FY2014 Appropriations Actions²⁷

This section discusses several important aspects of discretionary HHS appropriations. First, it provides an introduction to two special funding mechanisms included in the public health budget, the Public Health Service Evaluation Set-Aside and the Prevention and Public Health Fund. Next, it reviews a limited selection of FY2014 discretionary funding highlights across HHS. Finally, the section concludes with a brief overview of significant provisions from annual HHS appropriations laws that restrict spending in certain controversial areas, such as abortion and stem cell research.

Public Health Service Evaluation Tap

A unique budget feature of some of the agencies and programs in HHS is their receipt of funding from the Public Health Service (PHS) Evaluation Set-Aside program, also known as the PHS

²⁷ For a full list of HHS proposals from the President’s Budget, see FY2014 budget documents prepared by HHS and the Office of Management and Budget (OMB). HHS budget materials can be found at <http://www.hhs.gov/budget/>. OMB budget materials can be found at <http://www.whitehouse.gov/omb/budget>. For detailed information on the HHS funding levels recommended by the FY2014 Senate committee bill, as compared to FY2013 pre-sequester levels and the FY2014 request, see the committee report accompanying the bill (S.Rept. 113-71), which can be found at <http://www.gpo.gov/fdsys/pkg/CRPT-113srpt71/pdf/CRPT-113srpt71.pdf>.

Evaluation Tap.²⁸ The tap provides more than a dozen HHS programs with funding beyond their regular appropriations (or in a few cases, programs may be funded, or requested for funding, entirely from the tap). The PHS Evaluation Tap allows the Secretary of HHS to redistribute a portion of eligible PHS agency appropriations for program evaluation purposes across HHS. In the annual L-HHS-ED acts, Congress specifies the maximum percentage for the set-aside, and also directs specific amounts of funding from the tap to a number of HHS programs.

The set-aside level for FY2012 was 2.5% of eligible appropriations, making just over \$1.0 billion available for transfer among programs. The 2.5% tap was continued for FY2013 under the provisions of P.L. 113-6, but it is not clear how much was set aside after accounting for the effects of sequestration and transfers on the donor appropriations. The FY2014 President's Budget proposes to increase the set-aside to 3.0%, which would have made over \$1.3 billion available for reallocation under the President's proposed FY2014 funding levels. The proposed uses of the extra tap funding include increasing overall program support in some cases, and replacing regular appropriations with tap funding in other cases. In S. 1284, the Senate Appropriations Committee rejected the proposed increase and maintained the tap at 2.5% "because of the effect on PHS Act agencies that are used as a source of evaluation transfers, most notably NIH."²⁹

Prevention and Public Health Fund³⁰

The Patient Protection and Affordable Care Act (ACA) authorized and directly appropriated funding for three multi-billion dollar trust funds to support programs and activities within the PHS agencies.³¹ One of these, the Prevention and Public Health Fund (PPHF, ACA Section 4002, as amended), is intended to provide support each year to prevention, wellness, and related public health programs funded through HHS accounts. For FY2014, the ACA directly appropriated \$1.5 billion in mandatory funds to the PPHF. However, Congress subsequently passed the Middle Class Tax Relief and Job Creation Act of 2012, which reduced ACA's annual appropriations to the PPHF over the period FY2013-FY2021 by a total of \$6.25 billion.³² This reduced the FY2014 PPHF appropriation to \$1 billion.

Congress may direct the Secretary to allocate PPHF funds to specific accounts. Otherwise, PPHF funds become available to the Secretary on October 1 of each year, for allocation as the Secretary decides. The FY2014 President's Budget included the Administration's proposed distribution of PPHF funds.

PPHF funds are intended to supplement, sometimes quite substantially, the funding that selected programs receive through regular appropriations, as well as to fund new programs, particularly programs newly authorized in ACA. For FY2014, the Senate Committee recommends PPHF

²⁸ The PHS Evaluation Tap is authorized in §241 of the PHS Act (42 U.S.C. §238j).

²⁹ S.Rept. 113-71 on S. 1284, p. 41. The committee report also commented, "This is the fourth year that the administration has proposed an increase in the section 241 tap percentage. The Committee strongly discourages a similar increase in the fiscal year 2015 request."

³⁰ For more information about the PPHF, see CRS Report R43046, *H.R. 1549: Helping Sick Americans Now Act*, by Sarah A. Lister, Bernadette Fernandez, and Annie L. Mach.

³¹ For more information, see CRS Report R41301, *Appropriations and Fund Transfers in the Patient Protection and Affordable Care Act (ACA)*, by Charles S. Redhead.

³² P.L. 112-96, Section 3205.

allocations that would, similar to prior years, distribute most of the funds to CDC.³³ Examples of proposed allocations in S. 1284 include \$280 million for CDC's Community Transformation Grants (funded entirely from the PPHF), \$95 million for CDC's Smoking and Health programs, \$92 million for existing SAMHSA substance abuse and mental health programs, and almost \$15 million for ACL Alzheimer's disease self-management activities.

HHS Highlights by Agency

The discussion below reviews a limited selection of FY2014 discretionary funding highlights for programs supported by the HHS agencies funded in this bill. The discussion is based on the FY2014 Senate committee bill (S. 1284) compared to comparable FY2013 funding levels and proposed funding levels from the FY2014 President's Budget.

HRSA

The FY2014 Senate committee bill would provide \$6.3 billion in discretionary funding for HRSA. This amount is \$128 million (+2%) more than the FY2013 pre-sequester funding level and \$295 million (+5%) more than the FY2014 President's request. Increased funding in the Senate committee bill would generally affect most HRSA programs, with Family Planning receiving the largest proportional increase (10% more than pre-sequester levels). The Senate committee bill proposes to provide \$5 million for the Pediatric Loan Repayment program, which was authorized in the ACA but has not been funded. The Senate committee bill also would provide increased funding for health professions programs by increasing funding for Training in Primary Care Medicine to \$50.1 million (FY2013 enacted level was \$38.9 million). Discretionary funding for the National Health Service Corps would be eliminated under both the President's Budget proposal and the Senate committee bill. However, the program would continue to receive funding from the Community Health Center Fund that was authorized and appropriated in the ACA.³⁴

The President's Budget proposes to eliminate discretionary funding for three programs: Heritable Disorders, Poison Control Centers, and Universal Newborn Hearing Screening, and to instead fund these programs exclusively with PPHF transfers at or near FY2013 pre-sequester levels. The Senate committee bill proposes continued discretionary funding for these programs. Additionally, both the Senate committee bill and the President's Budget would transfer the authority to administer the Health Education Assistance Loan (HEAL) program from HRSA to the Secretary of Education.

CDC

The FY2014 Senate committee bill would provide \$5.8 billion in discretionary funding for CDC. This amount is \$111 million (+2%) more than the FY2013 pre-sequester funding level and \$541 million (+10%) more than the FY2014 President's request. The Senate committee bill proposes increases in discretionary funding for Chronic Disease and Health Promotion (+3% from pre-sequester levels), Injury Prevention and Control (+18% from pre-sequester levels), and Global

³³ S.Rept. 113-71, pp. 154-155. Note that Section 220 of the HHS general provisions in S. 1284 would adopt this allocation as law if enacted.

³⁴ ACA Section 10503(a)-(b).

Health (+13% from pre-sequester levels). The FY2014 President's Budget proposes \$5.2 billion in discretionary funding for CDC, with proposed increases (similar to the Senate committee bill) for Global Health. The President's Budget also proposes increases for CDC's programs on Immunization and Respiratory Diseases, Emerging and Zoonotic Infectious Diseases, Environmental Health, Injury Prevention and Control, and Public Health Preparedness and Response.

The President's Budget proposes decreased discretionary funding for Chronic Disease and Health Promotion, Birth Defects and Developmental Disabilities, and Public Health Leadership and Support. Some of this funding would be supplanted by proposed transfers from the PPHF. Also of note, the President's Budget proposes to eliminate discretionary funding for the National Institute for Occupational Safety and Health (NIOSH) and to fund NIOSH entirely through transfers from the Evaluation Tap.

NIH

The FY2014 Senate committee bill would provide \$30.9 billion in discretionary funding for NIH. This amount is \$307 million (+1.0%) more than the FY2013 pre-sequester funding level and \$147 million (-0.5%) less than the FY2014 President's request. According to the committee report accompanying the bill, the committee would provide essentially the same total level of funding for NIH activities as in the request. The 0.5% decrease reflects the committee's disapproval of the Administration's proposed increase of the PHS Evaluation Set-Aside from a 2.5% tap on most PHS appropriations to 3.0%.

The Senate committee bill would increase most of the institutes by 0.5% or less compared to the pre-sequester FY2013 level. The committee provided larger increases (relative to FY2013 pre-sequester levels) to some institutes and centers, including the National Institute on Aging (+7.6%) to boost Alzheimer's disease research funding, and the National Center for Advancing Translational Sciences (+15.2%), allowing up to \$50 million for the Cures Acceleration Network, as requested. The committee rejected the President's proposed \$51 million cut in the Institutional Development Awards (IDeA) program, a research infrastructure and capacity-building program housed in the National Institute of General Medical Sciences.

SAMHSA

The FY2014 Senate committee bill would provide \$3.4 billion in discretionary funding for SAMHSA. This amount is \$56 million (+1.7%) more than the FY2013 pre-sequester funding level and \$49 million (+1.5%) more than the FY2014 President's request. The committee would also provide SAMHSA with transfers of \$133 million from the PHS Evaluation Set-Aside (\$32 million less than requested) and \$92 million from the Prevention and Public Health Fund (\$34 million more than requested and \$77 million more than was transferred in FY2013).

The Senate committee and the President both propose additional funding for mental health programs, citing the need to increase access to mental health services. The committee would increase appropriations by \$107 million (+11.5%) above the pre-sequester FY2013 level, including nearly 30% more for Programs of Regional and National Significance (PRNS). Both increases are higher than those requested by the President. The Senate committee would decrease appropriations for substance abuse treatment programs by \$69 million (-3.2%) below the pre-sequester FY2013 level, including \$23 million more (+1.3%) for the Substance Abuse Block

Grant and \$92 million less (-23%) for PRNS.³⁵ Some of the difference in PRNS funding would be made up by the committee's plan to transfer \$50 million from the Prevention and Public Health Fund (\$30 million was requested). Both the Senate committee bill and the President's request propose reducing substance abuse prevention funding by \$10 million (-5.4%). Both the committee and the request propose substantial increases for Health Surveillance and Program Support appropriations, augmented by increased funding from the PHS Evaluation Set-Aside (+\$72 million in the President's request and +\$30 million in the Senate committee bill).

AHRQ

AHRQ receives no discretionary funding in L-HHS-ED appropriations bills; rather, funding for almost all of its programs is provided through transfers from PHS Evaluation Tap funds. An additional amount for one prevention program is transferred from the Prevention and Public Health Fund. The FY2014 Senate committee bill would provide \$364 million in Evaluation Tap funding. This amount is \$5 million (-1.4%) less than the FY2013 pre-sequester funding level and \$30 million (+9.1%) more than the FY2014 President's request. The Senate committee report would focus increases on patient safety programs and on investigator-initiated research, both of which had been reduced in the request.

CMS

The FY2014 Senate committee bill would provide \$5.9 billion in discretionary funding for CMS. This amount is \$1.7 billion (+40%) more than the FY2013 pre-sequester CMS discretionary funding level and \$329 million (+6%) more than the FY2014 President's request. The Senate committee bill would provide \$640 million for Health Care Fraud and Abuse Control (HCFAC) activities (+107% from FY2013 pre-sequester levels and +106% from the FY2014 President's request).³⁶ Of the HCFAC total, \$311 million would be provided as base funding (matching the President's request), while the additional \$329 million would be provided through a budget cap adjustment, as allowed by the BCA. In addition, the Senate committee bill would provide \$5.2 billion for CMS Program Management (+35% from pre-sequester FY2013 levels and the same as the FY2014 President's request). According to the Senate committee report accompanying the bill, the bulk of these funds (\$3.16 billion) would be directed toward program operations. The report states that funding for program operations would support a broad range of activities, including claims processing, program safeguard activities performed by Medicare contractors, ACA implementation, and addressing increased demand for services resulting from Medicare population growth.

³⁵ The committee also directed HHS to stop using the two SAMHSA block grants as sources of PHS evaluation tap transfers (S.Rept. 113-71 on S. 1284, p. 111).

³⁶ Of this total, roughly \$311 million is considered "base" funding, while the remaining \$299 million is provided through a cap adjustment authorized by Section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the BCA. For more information, see S.Rept. 113-71, p. 124. For more information on CMS program integrity efforts, see CRS Report RL34217, *Medicare Program Integrity: Activities to Protect Medicare from Payment Errors, Fraud, and Abuse*, by Cliff Binder.

ACF

The FY2014 Senate committee bill would provide \$18.7 billion in discretionary funding for ACF. This amount is \$943 million (+5%) more than the FY2014 President's request.³⁷ The Senate committee bill demonstrates an interest in supporting early childhood care and education programs administered by ACF, including Head Start and the Child Care and Development Block Grant (CCDBG). The bill would provide \$9.6 billion for Head Start, the same level requested by the President (+20% from FY2013 pre-sequester levels). The Senate committee bill reflects the President's proposal for Head Start funds, reserving \$1.4 billion for a newly proposed Early Head Start-Child Care Partnership Program and \$25 million for certain implementation costs related to the Head Start Designation Renewal System (a new process through which low-performing grantees are identified and required to re-compete for funding). The Senate committee bill also proposes to increase funding for the CCDBG, recommending an FY2014 funding level of \$2.5 billion (+8% from the FY2013 pre-sequester level, +1% from the President's request). The bill would reserve the majority of this increase (\$110 million) for formula grants to states, tribes, and territories to improve the quality of child care programs.

ACL

The FY2014 Senate committee bill would provide \$1.7 billion in discretionary funding for ACL. This amount is nearly \$2 million (+0.1%) more than the FY2014 President's request for ACL.³⁸ Readers should note that ACL was first established as an HHS agency in April 2012 and the FY2014 President's Budget is the first time funding has been requested specifically for ACL. Previous President's Budgets included separate requests for the Administration on Aging, which is now a subcomponent of the larger ACL, along with several other offices.

The Senate committee bill would appropriate \$4 million for Alzheimer's Disease Demonstrations, which is the same as the FY2013 pre-sequester level, but \$5 million (-58%) less than the FY2014 President's request. Alzheimer's Disease Demonstrations (also known as the Alzheimer's Supportive Services Program) aim to improve and expand evidence-based interventions for persons with Alzheimer's disease and related disorders and their caregivers. In requesting \$9.5 million for this program in FY2014, the President's Budget cites a "growing need" for services to assist those with Alzheimer's disease.³⁹ In addition to funds appropriated for the demonstrations, the Senate committee bill would match the FY2014 President's request to direct \$14.7 million from the Prevention and Public Health Fund toward a National Plan to Address Alzheimer's Disease, which would include education and outreach to enhance public awareness (\$4.2 million) and an expansion of services for people with Alzheimer's and their caregivers (\$10.5 million).

³⁷ Total ACF funding levels shown in this report are not comparable between FY2013 and FY2014. Pursuant to the conventions of the Senate Appropriations Committee, this report includes funding for certain developmental disabilities programs in ACF totals for FY2013 pre-sequester levels, but includes funding for these activities in ACL totals for FY2014. Per HHS operating plans, FY2013 operating levels include funding for these programs in ACL, not ACF.

³⁸ Total ACL funding levels shown in this report are not comparable between FY2013 and FY2014. Pursuant to the conventions of the Senate Appropriations Committee, this report includes funding for certain developmental disabilities programs in ACF totals for FY2013 pre-sequester levels, but includes funding for these activities in ACL totals for FY2014. Per HHS operating plans, FY2013 operating levels include funding for these programs in ACL, not ACF.

³⁹ U.S. Department of Health and Human Services, Administration on Community Living, *Fiscal Year 2014 Justification of Estimates for Appropriations Committees*, pp. 104-105.

The Senate committee bill rejects the FY2014 President's Budget proposal to transfer the Community Service Employment for Older Americans program from the Department of Labor to HHS/ACL, but accepts the Administration's proposal to transfer the State Health Insurance Programs (SHIPs) from CMS to ACL. SHIPs, which the Senate committee bill would fund at \$52 million, provide one-on-one counseling and information assistance to Medicare beneficiaries and their families on Medicare and other health insurance issues. In accepting the proposal to transfer SHIPs to ACL, the committee report notes that many SHIPs are already housed in, or are partnered with, state aging services agencies.

Funding Restrictions Related to Certain Controversial Issues

Annual L-HHS-ED appropriations regularly contain restrictions related to certain controversial issues. For instance, annual appropriations laws generally include provisions limiting the circumstances under which L-HHS-ED funds (including Medicaid funds) may be used to pay for abortions. Under current provisions, (1) abortions may be funded only when the life of the mother is endangered or in cases of rape or incest; (2) funds may not be used to buy a managed care package that includes abortion coverage, except in cases of rape, incest, or endangerment; and (3) federal programs and state/local governments that receive L-HHS-ED funding are prohibited from discriminating against health care entities that do not provide or pay for abortions or abortion services.⁴⁰ Similarly, annual appropriations since FY1997 have included a provision prohibiting L-HHS-ED funds (including NIH funds) from being used to create human embryos for research purposes or for research in which human embryos are destroyed.⁴¹ The Senate committee bill would maintain each of these provisions for FY2014.⁴²

The FY2012 law reinstated a provision, removed in FY2010, prohibiting L-HHS-ED funds from being used for needle exchange programs.⁴³ This provision was maintained under the terms of the FY2013 CR. The FY2014 Senate committee bill would modify this provision by rescinding the prohibition and providing state and local health authorities with discretion over the location of needle exchange programs.⁴⁴ The FY2012 law also expanded a provision prohibiting CDC spending on activities that advocate or promote gun control so that it applied to all HHS appropriations; it also added a new, broader provision prohibiting the use of any L-HHS-ED funds (plus funds transferred from the Prevention and Public Health Fund) for the promotion of gun control.⁴⁵ These provisions were maintained under the terms of the FY2013 CR and would continue to be maintained by the FY2014 Senate committee bill.⁴⁶

⁴⁰ The current provisions, commonly referred to as the Hyde and Weldon Amendments, can be found in §506 and §507 of P.L. 112-74, Division F. For additional information, please see CRS Report RL33467, *Abortion: Judicial History and Legislative Response*, by Jon O. Shimabukuro.

⁴¹ The current provision, commonly referred to as the Dickey Amendment, can be found in §508 of P.L. 112-74, Division F. For additional information, please see CRS Report RL33540, *Stem Cell Research: Science, Federal Research Funding, and Regulatory Oversight*, by Judith A. Johnson and Edward C. Liu.

⁴² For continuation of the Hyde and Weldon Amendments, see Sections 506 and 507 of S. 1284, Title V. For continuation of the Dickey Amendment, see Section 508 of S. 1284, Title V.

⁴³ See §523 of P.L. 112-74, Division F.

⁴⁴ See Section 520 of S. 1284, Title V.

⁴⁵ See §218 (HHS), and §503(c) (all L-HHS-ED, plus PPHF transfers) of P.L. 112-74, Division F.

⁴⁶ See Sections 218 and 503 of S. 1284.

Table 7. Detailed HHS Appropriations
(dollars in millions)

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Health Resources and Services Administration (HRSA)	6,426	6,099	6,259	6,554
Subtotal, HRSA Mandatory Appropriations^a	235	235	235	235
Subtotal, HRSA Discretionary Appropriations	6,191	5,864	6,024	6,319
<i>Subtotal, HRSA Evaluation Tap Funding^b</i>	(25)	(25)	(25)	(25)
<u>Selected Discretionary HRSA Programs:</u>				
Community Health Centers	1,575	1,479	1,567	1,575
National Health Service Corps	0	0	0	0
Health Professions (Title VII)	233	219	202	255
Health Professions, Nursing (Title VIII)	231	218	251	251
Children's Hospitals Graduate Medical Education	267	251	88	267
Maternal and Child Health Block Grant	644	605	639	644
Autism and Other Developmental Disorders	48	45	47	47
Healthy Start	104	98	104	104
Ryan White AIDS Programs	2,318	2,224	2,387	2,369
<i>Evaluation Tap Funding^b</i>	(25)	(25)	(25)	(25)
Healthcare Systems Bureau	101	95	84	104
Rural Health Programs	139	131	122	142
Family Planning (Title X)	296	279	327	327
Centers for Disease Control and Prevention (CDC)^c	5,701	5,488	5,272	5,812
Subtotal, CDC Mandatory Appropriations^d	55	51	55	55
Subtotal, CDC Discretionary Appropriations	5,646	5,437	5,217	5,757
<i>Subtotal, CDC Evaluation Tap Funding^b</i>	(371)	(375)	(618)	(371)
<u>Selected Discretionary CDC Programs:</u>				
Immunization and Respiratory Diseases	575	563	669	575
<i>Evaluation Tap Funding^b</i>	13	13	13	13
HIV/AIDS, Viral Hepatitis, STDs, TB Prevention	1,098	1,045	1,174	1,098
<i>Evaluation Tap Funding^b</i>	(0)	(4)	(3)	(0)
Emerging and Zoonotic Infectious Diseases	252	247	381	283
Chronic Disease Prevention and Health Promotion	755	740	620	775
Birth Defects and Developmental Disabilities	137	130	67	123
Public Health Scientific Services	144	144	144	144

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
<i>Evaluation Tap Funding^b</i>	(248)	(248)	(325)	(248)
Environmental Health	105	103	126	114
Injury Prevention and Control	137	131	177	162
<i>Evaluation Tap Funding^b</i>	(0)	(0)	(5)	(0)
National Institute for Occupational Safety and Health	182	172	0	182
<i>Evaluation Tap Funding^b</i>	(111)	(111)	(272)	(111)
Global Health	347	329	393	392
Public Health Preparedness and Response	1,297	1,232	1,334	1,292
Public Health Leadership and Support	617	601	131	617
National Institutes of Health (NIH)^c	30,640	28,926	31,094	30,947
Subtotal, NIH Mandatory Appropriations	0	0	0	0
Subtotal, NIH Discretionary Appropriations	30,640	28,926	31,094	30,947
<i>Subtotal, NIH Evaluation Tap Funding^b</i>	(8)	(8)	(8)	(8)
Substance Abuse and Mental Health Services Administration (SAMHSA)	3,341	3,210	3,348	3,397
Subtotal, SAMHSA Mandatory Appropriations	0	0	0	0
Subtotal, SAMHSA Discretionary Appropriations	3,341	3,210	3,348	3,397
<i>Subtotal, SAMHSA Evaluation Tap Funding^b</i>	(130)	(130)	(165)	(133)
<u>Selected Discretionary SAMHSA Programs:</u>				
Mental Health Programs of Reg'l & Nat'l Significance (PRNS)	275	271	333	357
Mental Health Block Grant	438	416	439	463
<i>Evaluation Tap Funding^b</i>	(21)	(21)	(21)	(21)
Children's Mental Health	117	111	117	117
Grants to States for the Homeless	65	61	65	65
Protection and Advocacy	36	34	36	36
Substance Abuse Treatment PRNS	398	403	305	306
<i>Evaluation Tap Funding^b</i>	(2)	(2)	0	(2)
Substance Abuse Block Grant	1,718	1,631	1,748	1,741
<i>Evaluation Tap Funding^b</i>	(79)	(79)	(72)	(79)
Substance Abuse Prevention PRNS	186	176	176	176
Health Surveillance and Support ^e	109	106	129	136
<i>Evaluation Tap Funding^b</i>	(27)	(27)	(72)	(30)

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Agency for Healthcare Research and Quality (AHRQ)	0	0	0	0
Subtotal, AHRQ Discretionary Appropriations	0	0	0	0
<i>Subtotal, AHRQ Evaluation Tap Funding^b</i>	(369)	(365)	(334)	(364)
Centers for Medicare and Medicaid Services (CMS)	523,351	523,254	547,457	542,900
Subtotal, CMS Mandatory Appropriations^f	519,177	519,177	541,928	537,042
Subtotal, CMS Discretionary Appropriations	4,174	4,077	5,528	5,857
<u>Selected Discretionary CMS Programs:</u>				
CMS Program Management	3,865	3,783	5,217	5,217
Health Care Fraud and Abuse Control	309	294	311	640
Administration for Children and Families (ACF)	29,853	28,720	31,034	31,978
Subtotal, ACF Mandatory Appropriations^g	13,066	12,962	13,266	13,266
Subtotal, ACF Discretionary Appropriations^h	16,787	15,759	17,768	18,711
<i>Subtotal, ACF Evaluation Tap Funding (non-add)^b</i>	(6)	(6)	(6)	(6)
<u>Selected Discretionary ACF Programs:</u>				
Low Income Home Energy Assistance Program	3,465	3,255	2,820	3,615
Refugee and Entrant Assistance Programs	1,014	999	1,123	1,121
Child Care and Development Block Grant	2,324	2,206	2,478	2,500
Head Start	7,986	7,573	9,621	9,621
Child Welfare Services	280	263	281	280
Adoption Opportunities	39	37	39	44
Community Services Block Grant	676	635	350	676
Social Services and Income Maintenance Research	0	0	44	9
<i>Evaluation Tap Funding (non-add)^b</i>	(6)	(6)	(6)	(6)
Administration on Community Living	1,468	1,553	1,715	1,717
Subtotal, ACL Mandatory Appropriations	0	0	0	0
Subtotal, ACL Discretionary Appropriations	1,468	1,553	1,715	1,717
<u>Selected Discretionary ACL Programs:</u>				
Home and Community-Based Supportive Services	366	348	367	367
Family and Native American Caregiver Support Services	160	152	160	160
Nutrition Services Programs	815	768	816	816
Aging Network Support Activities	8	7	8	8
Alzheimer's Disease Demonstrations	4	4	10	4
Adult Protective Services Demonstrations	0	0	8	8

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
State Health Insurance Program	0	0	52	52
Office of the Secretary (OS)	2,179	2,113	2,355	2,507
Subtotal, OS Mandatory Appropriationsⁱ	527	527	550	550
Subtotal, OS Discretionary Appropriations	1,652	1,586	1,805	1,956
<i>Subtotal, OS Evaluation Tap Funding (non-add)^b</i>	<i>(114)</i>	<i>(114)</i>	<i>(176)</i>	<i>(121)</i>
Selected Discretionary OS Programs:				
General Departmental Management (GDM)	543	517	421	517
<i>Evaluation Tap Funding (non-add)^b</i>	<i>(69)</i>	<i>(69)</i>	<i>(120)</i>	<i>(70)</i>
Office of the Nat'l Coord. for Health Information Tech. (ONC)	16	15	21	20
<i>Evaluation Tap Funding (non-add)^b</i>	<i>(45)</i>	<i>(45)</i>	<i>(56)</i>	<i>(51)</i>
Office of the Inspector General	50	47	69	60
Public Health and Social Services Emergency Fund (PHSSEF)	999	968	1,290	1,304
Total, HHS Mandatory & Discretionary BA in the Bill	602,959	599,364	628,534	625,811
Subtotal, HHS Mandatory BA in the Bill	533,061	532,952	556,035	551,149
Subtotal, HHS Discretionary BA in the Bill	69,898	66,412	72,499	74,662
Memoranda				
Total, BA Available in the Fiscal Year (current year from any bill)	587,137	583,542	629,827	628,525
Total, Advances for Future Years (provided in the current bill)	109,636	109,636	108,342	106,922
Total, Advances from Prior Years (for use in the current year)	93,814	93,814	109,636	109,636

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are largely estimated based on FY2013 operating plans for HHS agencies, which are available at <http://www.hhs.gov/budget/fy2013/index.html> (scroll to bottom for FY2013 Agency Operating Plans). Operating estimates reflect reductions required as a result of the FY2013 sequester, as well as any transfers and reprogramming of funds reported by HHS in these operating plans.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations (e.g., department totals do not include funding for the Food and Drug Administration, the Indian Health Service, or the Agency for Toxic Substances and Disease Registry, all of which are funded by other bills); and (4) do not include direct appropriations that occur outside of appropriations bills. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

a. These mandatory funds are for the Vaccine Injury Compensation Program.

- b. By convention, this table shows only the amount of PHS Evaluation Tap funds received by an agency. The table does not subtract the amount of the evaluation tap from donor agencies' appropriations. The amounts shown in italics with parentheses are *in addition to* appropriated amounts shown in this table.
- c. Each year, CDC and NIH also receive funding in the Interior-Environment appropriations bill as part of their overall budget authority. CDC received \$72 million in FY2013 (post-sequester); \$76 million is requested for FY2014. NIH received \$75 million in FY2013 (post-sequester); \$79 million is requested for FY2014. Because these amounts are not provided via the L-HHS-ED bill, they are not included in this table.
- d. These mandatory funds are for the Energy Employees Occupational Illness Compensation Program.
- e. The FY2014 request and Senate committee proposal for the SAMHSA Health Surveillance and Program Support include an additional \$1.5 million for Data Requests and Publications, to be offset by user fees.
- f. These mandatory funds go toward Grants to States for Medicaid and Payments to Health Care Trust Funds.
- g. These mandatory funds go toward the following accounts: Child Support Enforcement and Family Support Payments; the Social Services Block Grant; the mandatory portion of the Promoting Safe and Stable Families program; and Payments for Foster Care and Permanency.
- h. Pursuant to the conventions of the Senate Appropriations Committee, this report includes funding for certain developmental disabilities programs in ACF totals for FY2013 pre-sequester levels, but includes funding for these activities in ACL totals for both FY2014 columns. Per HHS operating plans, FY2013 operating levels include funding for these programs in ACL, not ACF.
- i. These mandatory funds are for the Medical Benefits for Commissioned Officers account.

Department of Education (ED)

Note that all figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds provided outside of the annual appropriations process (e.g., certain direct appropriations for Federal Direct Student Loans and Pell Grants). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes discussed in the text are based on unrounded amounts.

About ED

The federal government provides support for both elementary and secondary education, and postsecondary education. With regard to elementary and secondary education, the federal government provides roughly 12% of overall funding; the vast majority of funding comes from states and local districts.⁴⁷ States and school districts also have primary responsibility for the provision of elementary and secondary education in the United States. Nevertheless, the United States Department of Education (ED) performs numerous functions, including promoting educational standards and accountability; gathering education data via programs such as the National Assessment of Education Progress; disseminating research on important education issues; and administering federal education programs and policies. ED is responsible for administering a large number of elementary and secondary education programs, many of which provide direct support to school districts with a high concentration of disadvantaged students and students with disabilities. One of the most important priorities for ED in elementary and secondary education is improving academic outcomes for all students; particularly disadvantaged students, students with disabilities, English language learners, Indians, Native Hawaiians, and

⁴⁷ U.S. Department of Education, *FY2014 Education Budget Summary and Background Information*, Appendix 6, <http://www2.ed.gov/about/overview/budget/budget14/summary/appendix6.pdf>.

Alaska Natives. With regard to higher education, the federal government supports roughly 73% of all direct aid provided to students to finance their postsecondary education.⁴⁸ There are also many higher education programs administered by ED—the largest are those providing financial aid to facilitate college access, primarily through student loans and the Pell grant program. In addition, ED administers programs that address vocational rehabilitation, career and technical education, and adult education.

FY2014 ED Appropriations Overview

The FY2014 Senate committee bill (S. 1284, S.Rept. 113-71) would provide \$72.53 billion in combined mandatory and discretionary funding for ED. This amount is \$1.32 billion (+1.9%) more than the pre-sequester FY2013 funding level of \$71.21 billion, \$3.76 billion (+5.5%) more than the post-sequester FY2013 funding level of \$68.77 billion, and \$1.98 billion (-2.7%) less than the FY2014 President's Budget request of \$74.51 billion. (See **Table 8.**) Of the total recommended for ED in the FY2014 Senate committee bill, roughly \$69.22 billion would be discretionary. This amount is \$1.25 billion (+1.8%) more than the pre-sequester FY2013 discretionary funding level (\$67.98 billion) and \$1.98 billion (-2.8%) less than the discretionary total requested in the FY2014 President's Budget (\$71.21 billion).

Table 8. ED Appropriations Overview
(billions of dollars)

Funding	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post- 0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Discretionary	\$67.98	\$65.77	\$71.21	\$69.22
Mandatory	\$3.23	\$3.07	\$3.30	\$3.30
Total BA Provided in the Bill	\$71.21	\$68.77	\$74.51	\$72.53

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are estimated based on ED's FY2013 operating plan, which is available at <http://www2.ed.gov/about/overview/budget/budget13/13action.pdf>. Operating estimates reflect reductions required as a result of the FY2013 sequester, plus any transfers and reprogramming of funds reported by ED.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills.

⁴⁸ See Figure 2, Total Student Aid by Source, 2011-2012, available at <http://trends.collegeboard.org/student-aid/figures-tables/total-aid>.

Selected ED Highlights from FY2013 Appropriations Actions⁴⁹

The following are some ED highlights from the FY2014 Senate committee bill (S. 1284) as compared to comparable FY2013 funding levels and proposed funding levels from the FY2014 President's Budget.

Education for the Disadvantaged

The FY2014 Senate committee bill would increase funding for Education for the Disadvantaged Grants to Local Educational Agencies (LEAs) to \$14.61 billion. This is \$125 million more than the pre-sequester FY2013 funding level, \$852 million more than the post-sequester funding level, and \$96 million more than the FY2014 President's Budget request. Education for the Disadvantaged is the largest K-12 education program administered by ED and nearly all LEAs in the nation receive funding under this program. In addition, the FY2014 Senate bill would increase funding for School Improvement Grants to \$567 million. This is \$35 million more than the pre-sequester FY2013 funding level, \$62 million more than the post-sequester funding level, and \$91 million less than the FY2014 President's Budget request.⁵⁰

Preschool Development Grants

Both the FY2014 Senate committee bill and the FY2014 President's Budget request would provide \$750 million for new Preschool Development Grants. This funding would be used to help build state capacity to implement high-quality preschool programs. The FY2014 President's Budget also includes a request for \$1.30 billion in mandatory funding for a Preschool for All program. This program would utilize both federal and state funds to help states provide universal access to high-quality preschool for low and moderate income four-year-olds.⁵¹

Impact Aid

The FY2014 Senate committee bill would increase funding for Impact Aid to \$1.29 billion. This is \$2 million more than the pre-sequester FY2013 funding level, \$67 million more than the post-sequester funding level, and \$67 million more than the FY2014 President's Budget request. The majority of Impact Aid funds are provided directly to LEAs to compensate them for the financial burden resulting from federal activities, including federal ownership of certain lands and the enrollments in LEAs of children of parents who live or work on federal lands.

⁴⁹ ED budget materials can be found at <http://www2.ed.gov/about/overview/budget/budget14/index.html?src=ct>. OMB budget materials can be found at <http://www.whitehouse.gov/omb/budget>. For detailed information on the ED funding levels recommended by the FY2014 Senate committee bill, as compared to FY2013 pre-sequester levels and the FY2014 request, see the committee report accompanying the bill (S.Rept. 113-71), which can be found at <http://www.gpo.gov/fdsys/pkg/CRPT-113srpt71/pdf/CRPT-113srpt71.pdf>.

⁵⁰ The FY2014 Senate committee bill includes a provision indicating that Education for the Disadvantaged Grants to Local Educational Agencies may be used to provide transportation for homeless students and for homeless liaisons.

⁵¹ U.S. Department of Education, *FY2014 Education Budget Summary and Background Information*, pp. 12-14, <http://www2.ed.gov/about/overview/budget/budget14/summary/14summary.pdf>. Note that mandatory funds proposed for the Preschool for All program are not included in **Table 9** because the Administration's proposal calls for these funds to be provided via direct spending budget authority (i.e., through authorizing legislation to be enacted outside of the annual appropriations process).

School Improvement

The FY2014 Senate committee bill would increase funding for the 21st Century Community Learning Centers program to \$1.20 billion. This is \$51 million more than the pre-sequester FY2013 funding level and \$108 million more than the post-sequester funding level, but \$52 million less than the FY2014 President's Budget request. The FY2014 Senate committee bill includes language that would give LEAs the option of using 21st Century Community Learning Centers funds for extended learning time programs, a use of funds that is not currently included in the authorizing language of the program. The FY2014 Senate committee report (S.Rept. 113-71) includes language directing "... the Department to refrain from giving priority to, showing preference for, or providing direction about whether communities should use these funds for afterschool, before school, summer school, or expanded day programs, unless specifically requested by SEAs or LEAs."⁵²

Innovation and Improvement

The Senate committee bill would provide \$250 million for the Race to the Top (RTT) program, which was first authorized by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).⁵³ The Senate committee's proposed funding level is \$750 million less than the FY2014 President's Budget request of \$1 billion, \$298 million less than the FY2013 pre-sequester funding level of \$548 million, and \$270 million less than the FY2013 post-sequester funding level of \$520 million. Notably, both the Senate committee bill and the President's Budget would direct the FY2014 RTT funding toward a new College Affordability and Completion initiative to "incentivize State-level postsecondary education reform."⁵⁴ This would be a change from prior years, in which RTT funds have been used primarily to support state and local elementary and secondary education initiatives and "early learning challenge" grants.

Safe Schools and Citizenship Education

The FY2014 Senate committee bill would provide \$57 million for the Promise Neighborhoods program, which awards competitive grants to distressed communities for comprehensive neighborhood programs designed to combat the effects of poverty and improve the educational and life outcomes of children from birth through college.⁵⁵ The Senate committee's proposed funding level is \$243 million less than the FY2014 President's Budget request and \$3 million less than the program's FY2013 pre-sequester funding level.

⁵² See p. 165 of the Senate committee report (S.Rept. 113-71).

⁵³ The initial subcommittee bill in the Senate would have provided \$400 million for RTT, but the full committee adopted an amendment reducing RTT funds by \$150 million. This amendment also increased LIHEAP funding at HHS by \$150 million.

⁵⁴ See p. 169 of the Senate committee report (S.Rept. 113-71).

⁵⁵ The initial subcommittee bill in the Senate would have provided \$100 million for Promise Neighborhoods, but the full committee adopted an amendment reducing funding for Promise Neighborhoods by \$43 million. This amendment simultaneously increased special education funding (IDEA Part B) by \$43 million.

Special Education

The FY2014 Senate committee bill would increase funding for Individuals with Disabilities Act (IDEA), Part B State Grants to \$11.72 billion. This is \$168 million more than the pre-sequester FY2013 funding level, \$748 million more than the post-sequester funding level, and \$145 million more than the FY2014 President's Budget request. IDEA, Part B State Grants provide federal funding for the education of children with disabilities in elementary and secondary education. As a condition for the receipt of these funds, states are required to provide a free and appropriate public education (i.e., specially designed instruction that meets the needs of a child with a disability).

Student Financial Aid

The FY2014 Senate committee bill would provide \$22.78 billion for the Pell Grants program.⁵⁶ This is \$46 million less than the FY2014 President's request of \$22.82 billion, but is roughly the same level of discretionary funding as was provided in FY2013.⁵⁷ Under the Senate committee bill, the discretionary base maximum award for award year⁵⁸ (AY) 2014-15 would stay at \$4,860, and the total maximum award for which a student would be eligible in AY2014-15 is projected to be \$5,785.

Table 9. Detailed Department of Education Appropriations
(dollars in millions)

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Education for the Disadvantaged	15,710	14,922	15,655	15,875
Grants to LEAs	14,487	13,760	14,516	14,612
School Improvement Grants	532	506	659	567
Striving Readers	159	151	0	164
Migrant State Grants	392	373	393	392
Neglected and Delinquent	50	48	50	50
Evaluation	3	3	0	3
High School Graduation Initiative	49	46	0	49
Special Programs for Migrant Students	36	35	37	37

⁵⁶ For more information, see CRS Report R42446, *Federal Pell Grant Program of the Higher Education Act: How the Program Works, Recent Legislative Changes, and Current Issues*, by Shannon M. Mahan.

⁵⁷ Funding for Pell grants is exempt from sequestration, pursuant to provisions included in Section 255(h) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA, Title II of P.L. 99-177, as amended).

⁵⁸ The Pell Grant award year begins July 1 of each year and ends June 30 of the subsequent year. For example, AY2014-15 begins on July 1, 2014 and ends June 30, 2015.

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Preschool Development Grants^a	0	0	750	750
Impact Aid	1,289	1,224	1,224	1,291
School Improvement Programs	4,536	4,307	2,028	4,622
Teacher Quality State Grants	2,462	2,338	0	2,462
Math and Science Partnerships	149	142	0	149
Supplemental Education Grants	18	17	18	18
21 st Century Community Learning Centers	1,149	1,092	1,252	1,200
State Assessments	388	369	389	408
Javits Gifted and Talented Education	0	0	0	15
Education for Homeless Children and Youth	65	62	65	65
Training and Advisory Services	7	7	7	7
Education for Native Hawaiians	34	32	34	34
Alaska Native Education Equity	33	31	33	33
Rural Education	179	170	179	179
Comprehensive Centers	51	48	51	51
Indian Education	130	124	131	130
Innovation and Improvement	1,524	1,448	5,699	1,332
Race to the Top	548	520	1,000	250
Investing in Innovation Fund	149	142	215	170
Effective Teachers and Leaders State Grants	0	0	2,467	0
Effective Teaching and Learning: Literacy	0	0	187	0
Effective Teaching and Learning for a Well-Rounded Educ.	0	0	75	0
College Pathways and Accelerated Learning	0	0	102	0
Science, Technology, Engineering, and Mathematics (STEM) Innovation	0	0	415	0
High School Redesign	0	0	300	0
Expanding Educational Options	0	0	295	0
Transition to Teaching	26	25	0	0
School Leadership	29	28	98	64
Charter School Grants	254	242	0	254
Magnet Schools Assistance	97	92	100	100
Fund for the Improvement of Education (FIE)	66	62	46	138
Teacher Incentive Fund	299	284	0	299

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Teacher and Leader Innovation Fund	0	0	400	0
Ready to Learn Television	27	26	0	27
Advanced Placement	30	28	0	30
Safe Schools and Citizenship Education	255	242	580	330
Successful, Safe and Healthy Students	0	0	280	0
Promise Neighborhoods	60	57	300	57
National Programs	65	61	0	143
Elem/Sec School Counseling	52	50	0	52
Carol M. White PE Program	79	75	0	79
English Language Acquisition State Grants	731	694	732	731
Special Education	12,615	11,982	12,657	12,803
Grants to States, Part B	11,555	10,975	11,578	11,723
Preschool Grants	372	353	373	373
Grants for Infants and Families	442	420	463	463
IDEA State Grants, total	12,368	11,748	12,413	12,558
IDEA National Activities	237	225	236	237
Special Olympics Education Programs	8	8	8	8
Promoting Readiness of Minors in SSI (Promise)	2	2	0	0
Rehabilitation Services and Disability Research	3,620	3,435	3,656	3,698
Vocational Rehabilitation State Grants (mandatory)	3,231	3,066	3,302	3,302
Client Assistance State Grants	12	12	12	12
Training	35	34	30	35
Demonstration and Training Programs	5	5	6	7
Migrant and Seasonal Farmworkers	1	1	0	1
Protection and Advocacy of Individual Rights	18	17	18	18
Supported Employment State Grants	29	28	0	29
Independent Living	137	130	137	137
Helen Keller National Center for Deaf/Blind Youth and Adults	9	9	9	9
National Institute on Disability and Rehab Research	109	103	110	110
Assistive Technology	33	31	31	38
Special Institutions for Persons w/ Disabilities	215	204	207	209
American Printing House for the Blind	24	23	25	25

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
National Technical Institute for the Deaf	65	62	65	66
Gallaudet University	125	119	118	119
Career and Adult Education	1,734	1,647	1,750	1,744
Career and Technical Education (CTE) State Grants	1,121	1,064	1,123	1,123
CTE National Programs	8	7	18	13
Adult Education State Grants	594	564	595	594
Adult Education National Programs	11	11	14	14
Student Financial Assistance	24,486	24,400	24,685	24,536
<i>Pell maximum grant (non-add)</i>	<i>4,860</i>	<i>4,860</i>	<i>4,860</i>	<i>4,860</i>
Pell Grants	22,778	22,778	22,824	22,778
Federal Supplemental Opportunity Grants	733	696	735	733
Federal Work Study	975	926	1,127	1,025
Student Aid Administration	1,041	979	1,050	1,044
Higher Education	1,866	1,772	2,146	1,913
Aid for Institutional Development	530	503	531	530
International Education and Foreign Language	74	70	81	81
Fund for the Improvement of Postsecondary Education (FIPSE)	3	3	260	6
Postsecondary Programs for Students with Intellectual Disabilities	11	10	0	11
Minority Science and Engineering	9	9	9	9
Tribally Controlled Postsecondary Voc.& Tech. Institutions	8	8	8	8
TRIO Programs	838	796	840	850
GEAR UP	302	286	302	307
Graduate Assistance in Areas of National Need	31	29	31	31
Teacher Quality Enhancement Grants	43	41	0	43
Child Care Access	16	15	16	16
GPRA data	1	1	68	21
Howard University	234	222	234	234
College Housing & Academic Facilities Loans^b	0	0	0	0
HBCU Capital Financing Program	20	19	21	21
Institute of Education Sciences	592	563	671	653

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Departmental Management	607	587	633	609
Total, ED Mandatory & Discretionary BA in the Bill	71,207	68,771	74,511	72,527
Subtotal, ED Mandatory BA in the Bill	3,231	3,066	3,302	3,302
Subtotal, ED Discretionary BA in the Bill	67,976	65,705	71,209	69,225
Memoranda				
Total, BA Available in the Fiscal Year (current year from any bill)	71,207	68,771	74,511	72,527
Total, Advances for Future Years (provided in the current bill)	22,597	22,597	22,597	22,597
Total, Advances from Prior Years (for use in the current year)	22,597	22,597	22,597	22,597

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are estimated based on ED's FY2013 operating plan, which is available at <http://www2.ed.gov/about/overview/budget/budget13/13action.pdf>. Operating estimates reflect reductions required as a result of the FY2013 sequester, plus any transfers and reprogramming of funds reported by ED.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals.

- a. In addition to the amounts shown in this table, the FY2014 President's Budget request also called for \$1.30 billion in mandatory funding for a Preschool for All program. These funds are not shown in this table because the Administration's proposal calls for them to be provided via direct spending budget authority (i.e., through authorizing legislation to be enacted outside of the annual appropriations process).
- b. The funding level for College Housing and Academic Facilities Loans is \$459,000 in the FY2014 Senate committee bill and in the FY2014 President's Budget, \$458,000 in the pre-sequester FY2013 funding level, and \$435,000 in the FY2013 post-sequester funding level. These amounts round to zero in the above table.

Related Agencies

Note that figures in this section are based on regular L-HHS-ED appropriations only; they do not include funds provided outside the annual appropriations process (e.g., direct appropriations for Old-Age, Survivors, and Disability Insurance benefit payments by the Social Security Administration). All amounts in this section are rounded to the nearest million or billion (as labeled). The dollar changes and percent changes in the text are based on unrounded amounts.

FY2014 Related Agencies Appropriations Overview

The FY2014 Senate committee bill (S. 1284, S.Rept. 113-71) would provide \$70.42 billion in combined mandatory and discretionary funding for related agencies funded through this bill. This amount is \$2.12 billion (+3.1%) more than the FY2013 pre-sequester funding level of \$68.30 billion and \$311 million (+0.4%) more than the FY2014 President's Budget request of \$70.11 billion. (See **Table 10**.) Of the total recommended for related agencies in the FY2014 Senate committee bill, roughly \$14.37 billion (20%) would be discretionary. This amount is \$555 million (+4.0%) more than the FY2013 pre-sequester discretionary funding level (\$13.82 billion) and \$898 million (+6.7%) more than the discretionary total requested in the FY2014 President's Budget (\$70.11 billion).

Table 10. Related Agencies Appropriations Overview
(billions of dollars)

Funding	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post- sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Discretionary (includes trust funds)	13.82	not available	13.47	14.37
Mandatory	54.48	not available	56.64	56.05
Total BA Provided in the Bill	68.30	not available	70.11	70.42

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. Not all related agencies funded by the L-HHS-ED bill have released FY2013 post-sequester operating levels; thus, a comprehensive estimate of FY2013 operating levels for related agencies is not available at this time.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

In general, the largest share of funding appropriated to related agencies in the L-HHS-ED bill goes to the Social Security Administration (SSA).⁵⁹ When taking into account both mandatory and discretionary funding, the SSA accounted for 97% of the entire related agencies appropriation in FY2013 (\$66 billion pre-sequester). The bulk of mandatory SSA funding from the L-HHS-ED bill supports the Supplemental Security Income program (\$54.5 billion in FY2013 pre-sequester). When looking exclusively at discretionary funding, the SSA remains the largest component of the related agencies appropriation, constituting roughly 83% of discretionary funds in FY2013 (\$11.5 billion pre-sequester). The majority of discretionary SSA funding covers administrative expenses for Social Security, SSI, and Medicare.⁶⁰

After the SSA, the next-largest agency of the related agencies appropriation is the Corporation for National and Community Service (CNCS), which constituted roughly 2% of all funding and 8% of discretionary funding in FY2013 (\$1.0 billion) [excluding sequester]. Typically, each of the remaining related agencies receives less than \$1 billion from the annual L-HHS-ED appropriations bill. For more information, see **Table 11**.

Selected Related Agencies Highlights from FY2014 Appropriations Actions⁶¹

The most significant highlight from the FY2014 budget and appropriations actions among the L-HHS-ED related agencies was SSA's proposal to largely remove funding for program integrity activities from the Limitation on Administrative Expenses (LAE) account and create, through authorizing legislation, a new source of mandatory annual funding for program integrity activities in a new Program Integrity Administrative Expenses (PIAE) account.⁶² To date, no legislation creating the PIAE account or the mandatory funding for program integrity has been introduced in either house of Congress and no such legislation is part of S. 1284.

The SSA's total program integrity request for FY2014 is \$1.5 billion, with \$273 million requested as part of LAE and the remaining \$1.2 billion requested via the proposed mandatory spending for the PIAE account. The Senate committee bill does not include the proposed PIAE or any mandatory program integrity spending, but does include \$1.2 billion in program integrity funding as part of LAE, an increase of \$441 million (+58%) over the pre-sequester program integrity funding provided for FY2013.

⁵⁹ For additional information on the SSA budget, see CRS Report R41716, *Social Security Administration (SSA): Budget Issues*, by Scott D. Szymendera.

⁶⁰ The SSA assists HHS in administering portions of the federal Medicare program. For more information on this, see Social Security Administration, *Justifications of Estimates for Appropriations Committees, Fiscal Year 2014*, February 2013, <http://ssa.gov/budget/FY14Files/2014FJ.pdf>.

⁶¹ For detailed information on the funding levels for Related Agencies in the FY2014 Senate committee bill, as compared to FY2013 pre-sequester levels and the FY2014 request, see the committee report (S.Rept. 113-71) accompanying the bill (S. 1284).

⁶² For additional information on this proposal see Social Security Administration, *Justification of Estimates for Appropriations Committees: FY2014*, February 2013, pp. 99-100, <http://ssa.gov/budget/FY14Files/2014FJ.pdf>.

Table 11. Detailed Related Agencies Appropriations

(dollars in millions)

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Cmte for Purchase from People Who Are Blind or Severely Disabled	5	not avail.	5	5
Corporation for National and Community Service (CNCS)	1,047	994^a	1,061	1,061
<u>Selected CNCS Programs/Initiatives:</u>				
Volunteers in Service to America (VISTA)	95	90	95	95
National Senior Volunteer Corps	207	197	207	207
AmeriCorps State and National Grants	344	326	346	346
National Civilian Community Corps	32	30	30	30
National Service Trust	211	201	207	210
Corporation for Public Broadcasting (CPB)^b	445	422	445	445
Federal Mediation and Conciliation Service	46	not avail.	48	47
Federal Mine Safety and Health Review Commission	18	not avail.	16	17
Institute of Museum and Library Services (IMLS)	231	220^c	226	231
Medicare Payment Advisory Commission (MedPAC)	12	not avail.	12	12
Medicaid and CHIP Payment and Access Commission (MACPAC)	6	not avail.	10	9
National Council on Disability	3	not avail.	3	3
National Healthcare Workforce Commission	0	not avail.	3	3
National Labor Relations Board (NLRB)	278	not avail.	285	285
National Mediation Board	13	not avail.	13	13
Occupational Safety and Health Review Commission	12	not avail.	13	12
Railroad Retirement Board (RRB) – mandatory & discretionary^d	213	not avail.	193	192
Social Security Administration (SSA)^e	66,018	not avail.	67,815	68,123
Payments to Social Security Trust Funds (mandatory)	20	not avail.	16	16
Supplemental Security Income (SSI) (mandatory)	54,464	not avail.	56,623	56,036
SSI Administrative Expenses (discretionary)	3,605	not avail.	3,814	4,233
Limitation on Administrative Expenses (including user fee activities)	10,676	not avail.	10,797	10,768
Program Integrity ^f	756	not avail.	273	1,197
Office of Inspector General	102	not avail.	105	105

Agency or Selected Program	FY2013 Enacted (pre-sequester, post-0.2% ATB)	FY2013 Operating (post-sequester, post-0.2% ATB, including transfers and reprogramming)	FY2014 Request	FY2014 Senate Cmte. (S. 1284)
Total, Related Agencies Mand. & Disc. BA in the Bill	68,300	not avail.	70,112	70,423
Subtotal, Related Agencies Mandatory BA in the Bill	54,484	not avail.	56,640	56,053
Subtotal, Related Agencies Discretionary BA in the Bill	13,816	not avail.	13,472	14,371
Memoranda				
Total, BA Available in the Fiscal Year (current year from any bill)	67,199	not avail.	69,712	70,023
Total, Advances for Future Years (provided in the current bill)	19,745	not avail.	20,145	20,145
Total, Advances from Prior Years (for use in the current year)	18,644	not avail.	19,745	19,745

Source: Amounts for FY2013 enacted, the FY2014 President's request, and the FY2014 Senate committee-reported bill (S. 1284) are estimated based on data provided in S.Rept. 113-71, the committee report accompanying S. 1284. FY2013 Operating Levels are estimated based on agency operating plans (as sourced below), where available. Operating estimates reflect reductions required as a result of the FY2013 sequester, as well as transfers and reprogramming of funds, as reported in agency operating plans.

Notes: BA = Budget Authority. ATB = across-the-board rescission. Cmte = Committee. Details may not add due to rounding. Amounts in this table: (1) reflect all BA appropriated in the bill, regardless of the year in which funds become available (i.e., totals do not include advances from prior year appropriations, but do include advances for subsequent years provided in this bill); (2) have generally not been adjusted to reflect scorekeeping; (3) comprise only those funds provided (or requested) for agencies and accounts subject to the jurisdiction of the Labor, HHS, Education Subcommittee of the House and Senate Committees on Appropriations; and (4) do not include direct appropriations that occur outside of appropriations bills. Non-add amounts are displayed in italics and parentheses; these amounts are not part of the appropriations totals. FY2013 totals do not include supplemental funds provided by the Disaster Relief Appropriations Act, 2013 (P.L. 113-2).

- a. FY2013 operating levels are based on an operating plan provided to CRS by CNCS.
- b. CPB funds are typically provided by a two-year advance. The amount shown for FY2013 enacted will become available in FY2015; the amounts proposed for FY2014 would become available in FY2016. However, the amount shown for CPB Operating is the actual amount available in FY2013 (from funds appropriated in FY2011 for FY2013), post-sequester. For more information on the FY2013 operating level, see *Corporation for Public Broadcasting Appropriation Request and Justification FY2014 and FY2016*, Appendix B: CPB Appropriations History, available at http://www.cpb.org/appropriation/justification_14-16.pdf.
- c. See the IMLS operating plan for FY2013 online at http://www.imls.gov/assets/1/AssetManager/FY2013_IMLS_Budget_Table.pdf.
- d. Totals include \$150,000 in mandatory funding in each column.
- e. The Social Security trust funds are considered off-budget, but the Supplemental Security Income (SSI) program, SSA administrative expenses, and certain related SSA activities are included in appropriations for L-HHS-ED and Related Agencies. SSA lines in this table do not sum to the total, which has been adjusted to reflect an estimated adjustment for trust fund transfers from general revenues (not shown here).
- f. Program Integrity includes program integrity funds provided as part of the Base Limitation on Administrative Expenses (LAE), but not otherwise included in the category Base LAE in this table. The amount shown for the FY2014 President's Budget in this table reflects only the discretionary component of the program integrity request. The Administration also requested an additional \$1.2 billion in new direct spending budget authority for SSA program integrity activities; these funds are not included in this table because the request calls for them to be provided outside the appropriations process.

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